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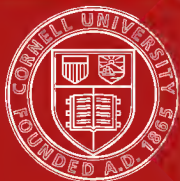
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THE SWORD OF JUSTICE

THE SWORD OF JUSTICE

OR THE CHRISTIAN PHILOSOPHY OF WAR
COMPLETED IN THE IDEA OF A LEAGUE
OF NATIONS

BY

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WITH AN INTRODUCTION BY

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"Ecclesia autem quaedam forma iustitiæ."—S. AMBROSE

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PUBLISHERS

“ Si autem malum feceris time
Non enim sine causa gladium portat
Dei enim minister est uindex in iram
Ei qui male agit.”

S. PAUL.

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FELICITER · OBIERUNT · STIPENDIIS
CONTENTI

AUTHOR'S PREFACE

THIS little book is an attempt to apply the relevant doctrines of the Christian philosophy of war to the idea of a League of Nations. That philosophy was drawn from Holy Writ by S. Augustine of Hippo, to whom Christian Europe owes a great, though tardily acknowledged debt, in that his teaching finally decided the much-debated question whether Christians could be loyal citizens of a secular state. Nor have we sufficiently acknowledged our great obligations to S. Thomas Aquinas, who gave precision and explicitness to what had been left implicit and vague in S. Augustine's theories, and laid down lines of Christian thought which were only abandoned by Machiavelli and his numerous followers because they were antagonistic to the doctrines of self-interest in which the international policies of the last four hundred years have been too deeply dyed.

The substance of some of the chapters has been used in sermons and addresses at Habergham Eaves, at Whalley, and elsewhere, during the last three years. The writer would like to say how much he owes to a book entitled *L'Église et La Guerre*, Paris, 1913, by a symposium of distinguished Frenchmen; to *La Guerre Sainte*, by H. Pissard, Paris, 1912; and to Father Paul Bull's *Peace and War*.

Author's Preface

Mr Ernest Barker has written an Introduction, for which, as for much other help on many occasions, the writer begs very gratefully to thank him.

It is hoped that the Appendixes may be useful to those who are not within reach of a large library.

JOHN E. W. WALLIS.

WHALLEY,

September, 1919

INTRODUCTION

MR WALLIS has explored in this little volume a field of perennial interest, and never more interesting than to-day. He has asked and sought to answer a question which in the last five years has troubled many tender consciences—whether Christians may ever avail themselves of force. He has investigated and brought to light the conceptions which Christians have held through the centuries about the conditions which make war “just,” and the grounds that entitle war to be lifted to the dignity of a “Crusade,” and termed by the name of “Holy War.” He has sought to show what the Church has done in the past to restrain war, and he has suggested what she may do in the future to help the success of a League of Nations.

To many readers one of the most encouraging and helpful parts of the book will be the scholarly pages in which Mr Wallis goes back into the history of the Church, particularly in the Middle Ages, and shows how Popes and Canonists sought to bring even war within the reign of law—to set to it bounds which it should not overpass in the conduct of hostilities and the usage of war, and to prescribe the conditions (of grievances suffered, of pure intention to seek only reparation, and the like) to which it must conform before it could find any entry into the order of the Christian Commonwealth. Whether it is wise to seek to humanize war—whether it would not be better to regard it as inhuman, beyond the pale, incapable of being any part of a world living under Christian

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principles—this is an issue on which opinions to-day may well be divided. Mediæval opinion, at any rate, seems to have been in the former direction. The Church, believing that her kingdom was of this world as well as of the world to come, sought to penetrate every reach of life, and to harmonize with Christian principles every human activity and agent—war as well as commerce and study; warrior as well as trader and scholar. She recognized a Truce of God, the Crusade, the caste of chivalry; her Canonists had a law of war; her Popes sought to enforce that law by acting as judges of any breach of its rules.

The sixteenth century brought a change. Europe became a home of different confessions; some of those confessions were definitely national, and bound, in this way or in that, to the cause of national autonomy. In the seventeenth century it was a lawyer—a lawyer, it is true, who was a theologian as well as a lawyer—who first assumed the fallen mantle. Grotius began to build a system of international relations on the basis of the usage of the nations, tempered and modified by the law of Nature and the law of Christ; and in succeeding centuries international relations have been the domain of lawyers and of diplomatists. To-day the time has come for the return of the Churches to the task which the Church of the Middle Ages once sought to undertake. The Christian Churches cannot act to-day in the same way as did the mediæval Church; they have no common body of Canonists to build a law, and no central Pontiff to administer that law in a supreme court. Their methods can only be methods of suasion; they can only seek, by their prayers, to uphold the arms of secular rulers, that they may do what is right and maintain what is just; they can only attempt, by the thought and speech, the teaching and preaching, of their individual members to raise the standard of public opinion to its highest

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power, that it may lift in turn the endeavours of statesmen to the same power.

Statesmen are not cynics. They are trustees for their community. They will go as far, and as fast, as they believe that the public opinion of their country entitles them to go. If they were principals, they might go farther than they do; since they are agents, they are sometimes stopped, by the fear of outrunning the instructions of their principals, from going as far as they would. Every statesman must seek to lead his people, but every statesman must also have a listening ear to hear what the people are saying. Too often the loud clamour of some section of opinion, obstinately conservative or blindly nationalist, may drown the stiller and smaller voice of the many who think quietly, and are too shy or too busy to join in agitation, and statesmen may be misled. It is the duty of all who believe in a reign of international justice not to be afraid to lift up the voice and cry aloud. They will be heard—and, I believe, gladly—by statesmen.

Mr Wallis has here borne his testimony to the strivings of men after such a reign of international justice; he has set forth the auspices and the obligations of the present hour. May it go far, and may it hearten many, and make them bold to speak, that opinion may grow bold in favour of international peace and justice, and that statesmen, knowing this, may grow bold to achieve all that opinion is ready to receive.

ERNEST BARKER.

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I.

MAY CHRISTIANS EVER AVAIL THEMSELVES OF FORCE?

I. THE PROBLEM

FOR the purpose of living well, in justice and in peace, men congregate in societies, which are called states. When a state becomes larger than the area within which each citizen normally has his being and interests, he sits more lightly to its obligations, and frequently passes through life with no more than a tacit acquiescence in his membership, and sometimes even in an open disavowal of his citizenship which nothing but inertia and the impossibility of founding a state for himself alone prevent him from rendering effective.

Others, not content with words, see that the general desire for justice and peace gives to those members of the state who care for neither in comparison with the gratification of their base and covetous desires, and who are not prepared for the self-abnegation necessary for the success of man's gregarious life, an opportunity to embark upon a course of injustice and violence. Should any state through sentiment or lack of resolute

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determination allow these disturbers of the peace to continue for long unchecked, its end would be certain. It exists that men may live well, justly, and peaceably, and to permit its existence to be used for the purposes of injustice and violence would be so to stultify its root principle that it would rapidly crumble away into a number of small groups of citizens who would take into their own hands the task of preserving law and order. Such a process may be observed in Europe during the ninth, tenth, and first half of the eleventh century, when small "Leagues of Peace" were formed by private citizens within the state. Though occasionally states have committed suicide in this way (as, for instance, the Roman Empire), and perhaps will do so again (Russia may be cited as, in some respects, an example of this process at the present day), yet as long as they retain cohesion and vitality they offer resistance to those who would render corporate life impossible.

These societies, or states, are, indeed, so regularly formed and animated, and perform their functions with such vigour and efficiency, that they are classed as moral persons—that is to say, as beings whose conduct is not guided, like that of the brutes, by mere instinct, but by a free will capable of forming a judgment and of directing the action of their body this way or that, in accordance with the laws of right and wrong. As moral persons, states are bound so to act that those who have to deal with them may confidently reckon upon being treated with justice, honour, and good faith. At the same time, states, though appar-

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ently no three-score years and ten, nor yet four-score, can be foretold as the days of their age, cannot look for any existence in the world to come, where the unredressed injustices of this life shall be corrected by the all-wise Judge. In this, at least, they resemble the brute creation, and differ from the followers of Christ. They cannot therefore, as states, be held bound to the same observance of the Christian law as single and immortal persons are; and as they can look for no future life of absolute justice and peace, their efforts after present and relative justice must be all the more persistent. It must also be remembered, in considering the conduct and policies of these great moral persons, that not all Leviathan's citizens are Christians. Were all the world truly Christian there would be a good hope that injustice and violence might disappear, and then no force would be required for any purposes of state at home or abroad. For it is the existence of wrong-doing which brings punishment into being. Contradictions cannot exist apart from that which they contradict; even so, when evil disappears from the world, the sword of justice, like the courtier's weapon, a relic of a ruder age, will sleep for ever in its sheath, unstained with blood.

In this present workaday, half-pagan world, then, it is frequently necessary for the state to use force, in order that the will and purpose of the constituent citizens may be duly carried out. Four occasions of violence may be distinguished :

1. The state must be ready to employ force as the sanction and guarantee of its legislation. No law

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would be long regarded to the infringement of which no punishment was attached.

2. The state must be ready to employ force for the preservation of order. It must protect the life and the property of its citizens from thieves, burglars, and brigands.

3. The state must be ready to employ force for the execution of justice—that is to say, to carry out the punishment of recalcitrant offenders by fines, imprisonment, or other penalty.

4. The state must be ready to employ force for self-protection against internal and external foes.

No state which persistently refused to employ force on these occasions would be worth preservation, and, as a matter of fact, would quickly fall and die.

Moreover, the employment of force in a state is not confined to the sovereign independent power. Though the private citizen may not use force to impose his will upon other private citizens as such, yet for the preservation of order he is required to be ready to assist the police (*e.g.*, in riots), or, in the absence of the police, to act upon his own responsibility. He may even in England arrest a person for felony without a warrant. Soldiers employed to suppress riots do so only in their capacity as private citizens and under the obligation which rests upon all citizens of the state in common.

Private citizens who are also parents stand in a relationship other than that of mere fellow-citizen to their children. They are permitted to use force in order to obtain obedience, or in order to punish their

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children. Guardians, and others who stand *in loco parentis*, such as schoolmasters, have similar powers over those committed to their charge. But the state will be jealous to step in when necessary and punish any abuse of these rights, such as persistent cruelty or misconduct.

Private citizens have the right of prosecuting criminals, suing for debt, etc., in the law-courts, whereby they avail themselves of the state's employment of force for the preservation or obtaining of their rights.

Private citizens are at liberty to use force for the safety of themselves and their property against burglars—by bolting their doors at night, and even by shooting without parley anyone who breaks into their house between sunset and sunrise. For the further safety of his valuables, a private citizen often deposits them—when, for instance, he goes on a holiday—in the strong-room of a bank, which, besides offering resistance to the thief, is, as he knows, guarded by a man with firearms. For communicating with his friends he does not hesitate to make use of the mails which are driven along the highway at night by a man armed with weapons against footpads and robbers. And he himself, when he apprehends that the state may not be able to extend absolute security to his person, often goes about his business armed, ready to use force in self-defence, knowing well that should he even kill his assailant the state will not indict him for murder.

Private citizens not only acquiesce in the employ-

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ment of force by the state, but avail themselves of the security afforded by such use, and themselves use force for the purposes of justice and self-defence.

Does this necessary readiness to employ force justify such a degree of violence as taking human life? Force would not be employed were there no injustice or wrong-doing to be corrected or prevented. The degree of force depends, therefore, not upon the will of those who employ it, but upon the unjust or wicked, whose actions, if unchecked, would eventually lead to the dissolution of society. If the state or the private citizen has reasonable grounds (for instance, by proving, in the one case, that a man has committed murder, or, in the other, by finding an armed man holding a pistol to his head) for apprehending that the offenders against law and order will not stick at taking life to fulfil their evil designs, they have the right to employ all the means at their command to prevent such loss of life. And the ultimate means of preventing the evil-doer from all opportunity of murder is by depriving him of life.

In times past the state and the private citizen alike were freer in their use of force than now. A few generations ago in England all felonies were punishable with death, but now only murder. In early days anyone might take part in a battle, but now fighting is restricted to properly enlisted combatants. But the gradual mollification of manners has led modern states in some cases to substitute penal servitude for life, or transportation, for the death penalty, and in others to restrict capital punish-

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ment to murderers and those guilty of treason. But such restrictions can only be adhered to in a state which is firmly based, and whose citizens are of a law-abiding character. Only the strong may be merciful without imperilling justice. Similarly, in a just war the state is employing force, not for its own caprice, nor even to impose its own will upon those who differ from it, but to execute justice upon offenders. If the offenders make amends before war is begun, no lives are taken. Upon them rests the responsibility of resisting the fulfilment of the requirements of justice. The relationships of states, as of private citizens, must be regulated by justice and law, a regulation which can only be effectively maintained by an ultimate appeal to force.

States and private citizens, then, for the preservation of their lives as moral persons in the natural order, use force, even to the degree of taking life.

Is it possible for a Christian to be a member of a state and to take up the full rights of a private citizen?

Membership in a state would involve a Christian in at least passive enjoyment of the advantages which a society obtains through the use of force. He would acquiesce in the use of force, though not using it himself. He would live under the protection of the army, the navy, and the air force, whose death-dealing weapons would be his ultimate guarantee of security. He would expect the police to protect him against thieves if he were wealthy. If he were in business as a manufacturer, he would prosecute those who refused

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to pay him for the goods he supplied to them, well knowing that the machinery of justice rests at bottom on the use of force. If he wrote letters he would expect them to be guarded in transit and safely delivered to his correspondents, even though force had to be used in protecting them from highwaymen.

In fact, he must either accept readiness to use force as a necessary principle of government in societies of the natural order, or deny the truth of the axiom, *Qui facit per alium facit per se* (He who acts through another, acts himself), and live as a parasite in the body corporate, drawing his civic sustenance from the being whose existence he attacks and weakens.

Should he, however, accept the position that a Christian may, without contradicting his principles, be a member of a state, he is faced by the further question whether he is at liberty to engage himself in such service to the state as may, on occasion, require him to use force against his fellow-citizens in order to prevent injustice and wrong-doing. May he be a member of the Legislature or of the Civil Service? May he be a tax-collector, who must prosecute those who refuse to pay their taxes? May he be a postman, who must protect his mails? A policeman, who must arrest law-breakers? A coast-guard, who must fight smugglers? A magistrate, who must condemn them when guilty? A prison warder, who must guard them when condemned? A hangman, who must pinion the murderer and pull the bolt?

If he accepts the benefits conferred by membership

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in a state, may he readily engage himself in framing and carrying out the measures necessary, not only to procure justice, but to preserve the very life of the society itself from internal attacks?

The Christian must ask himself, yet again, whether his acquiescence in the use of force by himself or by others for the maintenance of justice and the life of the state is to be confined to its use in the suppression of internal attacks alone. May he be a member of a state which defends its citizens against outrage, its territories against invasion, its government against interference, and itself against assault? If he may, then he must ask whether he may also serve in the armed forces of the state as a sailor, a soldier, or an airman, for the causes of justice and rightful self-defence.

Lastly, as a private citizen, may the Christian bolt his back-door at night, keep his cash under lock and key, put a padlock on his hen-house, deposit his valuables in the strong-room of his bank, chastise his children, and protect himself and his wife and family from the attacks of blackguards and footpads in the lanes?

The answer to these questions must be sought and determined by the Christian, not from the Old Testament (though that was plain enough¹), but from the teaching and example of our Lord and His Apostles, and the teaching and practice of the Church founded thereon.

¹ See Appendix A for the Jewish code of warfare.

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2. CHRIST'S EXAMPLE AND TEACHING

The earthly life of our Lord was spent as a member of the Jewish nation under the rule of the Roman Empire. Constant attempts were made by His disciples to induce Him to place Himself at the head of an insurrection against the Romans—attempts to which He always refused to accede (*e.g.*, John vi. 15). Indeed, He counselled His followers to submit to the Imperial government, even when its exactions appeared to be unreasonable or tyrannical (Matt. v. 41). He bade the Jews render to the Roman government what was its due (Matt. xxii. 17-22). He praised, and was the guest of, its public tax-collector (Luke xix. 5, 9); He praised, and healed the servant of, its responsible soldier (Matt. viii. 7, 10), without any hint that either was wrong in following employments that demanded the use of force.

As to the government of sovereign independent powers in general, He recognized the right of the state to exercise dominion and authority over its citizens (Matt. xx. 25); to employ force to obtain obedience to its will (Matt. xxii. 13); to impose custom and tribute (Matt. xvii. 25); to establish law-courts, the decisions of which are, when necessary, to be carried out by force (Matt. xviii. 34), which are to be the normal means of obtaining justice (Luke xviii. 3), and in which it may happen that His disciples will be cited as defendants—*i.e.*, as those who stand to gain if they can denounce the jurisdiction of the court (Luke xii. 58, 59); to impose the death penalty on murderers

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(Matt. xxii. 7) and on rebellious citizens (Luke xix. 27); to call upon the citizens to fight in its cause (John xviii. 36); and to wage war against other states, in doing which a wise government will take stock of its resources, yielding to superior force and accepting conditions of peace, even though unjustly attacked, unless it has a reasonable prospect of victory (Luke xiv. 31, 32). He recognized, further, that wars would continue to be part of the natural order of things in this world (Mark xiii. 7-8).

He recognized the right of private citizens to employ force—for He Himself in His Father's house used physical violence to expel those who were defiling its precincts (John ii. 15); and bade His disciples even sell their garments in order to provide themselves with swords (Luke xxii. 36)—not so many as to give ground for the accusation of armed insurrection, but enough to protect His small party from highwaymen and robbers (Luke xxii. 38). He recognized the right of the great householder to exercise penal justice upon his servants (Luke xii. 46, 47, 48, xx. 16); to exact from his guests strict compliance with the accepted usages of good behaviour (Matt. xxii. 12, 13); and to secure his treasures from theft (Matt. vi. 19).

Christ Himself resisted evil when He was tempted by Satan in the wilderness (Matt. iv. 1-11); when He rebuked unclean spirits (Matt. xvii. 18); when He expelled them (Matt. viii. 31, 32, ix. 33) by the Spirit of God (Matt. xii. 28); when He healed sickness and disease (Matt. iv. 24, ix. 35); and He gave His disciples command and power to do likewise (Matt.

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x. 8). He resisted Peter (Matt. xvi. 23), and gave powers of expulsion to the Church (Matt. xviii. 17, 18).

There are, however, two passages which at first seem to contradict the rest of our Lord's teaching on the use of force. In the Sermon on the Mount He said: "Ye have heard that it was said, An eye for an eye, and a tooth for a tooth: but I say unto you, Resist not him that is evil; but whosoever smiteth thee on thy right cheek, turn to him the other also. And if any man would go to law with thee, and take away thy coat, let him have thy cloke also. And whosoever shall compel thee to go one mile, go with him twain. Give to him that asketh thee, and from him that would borrow of thee turn not thou away. Ye have heard that it was said, Thou shalt love thy neighbour and hate thine enemy; but I say unto you, Love your enemies, and pray for them that persecute you; that ye may be sons of your Father which is in heaven: for He maketh His sun to rise on the evil and the good, and sendeth rain on the just and the unjust" (Matt. v. 38-46).

1. Our Lord was here speaking to His followers, not as citizens of a state directing the administration of justice or declaration of war, but as single persons involved in the relationships of man and man.

2. The general aim of His teaching in this passage was to discourage the spirit of private revenge which the *lex talionis* (itself a great advance in mollification on what preceded it) tended to exacerbate, and to forbid Christians to act maliciously even towards those who had done them evil.

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3. "Resist not him that is evil." The phrase "him that is evil" is frequently used in the New Testament for the Devil—*e.g.*, Matt. vi. 13, xiii. 19; 1 John ii. 13, 14 (where S. John declares that he writes to the young men "because ye are strong, and the Word of God abideth in you, and ye have *overcome the evil one*," plainly showing that he expected the young and strong, in whom Christ, the Word of God, abides, to struggle against and conquer him that is evil). However, the context here leads us to prefer another interpretation than that the phrase means the Devil. And indeed, as we have seen, our Lord resisted the Devil, and evil, on many occasions, and was very far from interpreting this counsel of non-resistance to evil literally Himself (*e.g.*, John ii. 15). It seems most conformable with Christ's teaching and example that the reference here is to the evil element in life acting through single persons, who in malice and brutality take advantage of their superior strength or position to rouse feelings of resentment amongst those weaker than themselves. It is remarkable that the examples of such malicious evil are such deeds as the Romans were guilty of towards the Jews. Roman soldiers were accustomed to use violence unjustly (Luke iii. 14), and had a rough game in which they mocked their prisoners and struck them (John xix. 2, 3). Roman soldiers often accused people wrongfully (Luke iii. 14); Roman soldiers exacted forced service from the Jews as baggage-carriers (Luke xxiii. 26); Roman tax-collectors often asked wrongfully for more money than was due (Luke xix. 8).

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4. "Whosoever smiteth thee on thy right cheek," etc. Christ did not interpret this literally, but rebuked His smiter by showing him that if He had spoken evil he had a legal remedy; and if not, that he did wrong to strike Him (John xviii. 22, 23). In this case our Lord was protesting against an unjust and illegal exercise of force as punishment for His supposed wrong-doing. But in general "smiting the cheek" is not a serious injury so much as a deliberate insult, intended to rouse a man's pride and temper so as to provoke him to violence—not dissimilar, indeed, to our modern English "pulling a man's nose," which became such a conventionalized and recognized opening of a quarrel by the bellicose party that to start the affair it was quite sufficient to say "Sir, consider your nose pulled," without proceeding to actual violence. Our Lord meant His disciples to learn by this not to be quarrelsome, or quick to resent what was, after all, only an injury to their pride, and involved no one else in injustice or suffering.

5. "And if any man would go to law with thee," etc. There is no hint (unless in the words "take away") that the prosecutor secured his verdict unjustly. We must therefore assume that our Lord probably implied here a legal trial in which the defendant was justly condemned to forfeit his coat. Christ's followers must learn to submit to the just verdicts of the courts readily and, indeed, joyfully, in the thought that injustice (even though their own) was duly punished (*cf.* Luke xii. 58, 59).

6. "And whosoever shall compel thee," etc. Our

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Lord was referring here to the Roman government's custom of impressing men to carry the baggage, etc., of soldiers on the march. This, which was, in fact, taxation in kind (*i.e.*, in services which would otherwise have had to be paid for with money raised by taxes), was recognized as legal. The distance fixed for which a man might be impressed was one mile. Our Lord meant His followers to understand that they must not only support the government of the state in its legal demands, but voluntarily assist it beyond what it would exact.

7. "Give to him that asketh thee," etc. Similarly, His disciples were not to refuse to contribute to the forced loans and benevolences which were a recognized means of raising revenue for the state.

8. "Love your enemies," etc. Christian love, which we are to extend to our enemies, is (1) not a sentiment which would prevent the infliction of pain when necessary, but (2) an active and virtuous exercise of all our faculties and powers for God's glory and man's welfare. Our Lord teaches us elsewhere that our love must occasionally involve us in bringing even our brethren to justice, and, in case of contumacious refusal on their part to accept just correction, must lead us to separate ourselves from them. The interests of the community and of the wrong-doer alike demand that he shall be brought to justice by Christian love (Matt. xviii. 15-18). Loving our enemies gives no sort of permission to allow them to do as they like. Refusal to attempt to stop a man from doing evil is a manifestation, not of love, but of hate, towards him. But

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our Lord goes on to give the reason why Christians should love their enemies—"that ye may be sons of your Father." And we know that the Father chastises and disciplines His children, and that while He allows wheat and tares for a time to grow together, in the end He will mete out the punishment of destruction to the evil. The Christian's sonship is therefore partly to be proved by his imitation of the loving justice of the Father. Further, the Christian looks forward to the Day of Judgement, when absolute justice shall be done. But the concern of the state and of the citizens is to obtain and maintain, as far as possible, relative justice amongst men in the present.

The second passage in which our Lord appears to forbid Christians to bear arms is: "Put up again thy sword into its place: for all they that take the sword shall perish with the sword" (Matt. xxvi. 52).

1. Our Lord did not say that the sword was to be thrown away, but put back into its sheath, thus implying that it had a proper use.

2. "They that take the sword"—*i.e.*, those private persons who presume to use violence in their brawls and quarrels without any authority from the state. Christ did not say "they that use the sword."

3. The saying is a condemnation of rebellious disobedience to lawful authority. A Christian thief should not resist arrest.

4. The true use of the sword by private citizens may be inferred from the passage in which our Lord bids His disciples to buy weapons enough to defend themselves against robbers from whom the state was unable

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to protect them : that is, they might wear and use weapons in self-defence (Luke xxii. 36, 38).

Finally, our Lord taught the great doctrine, which was taken up by S. Peter and S. Paul, and developed by Christian thinkers, until it became the normal conception of the authority and claim of the state, when in reply to Pilate's question, " Knowest Thou not that I have power to release Thee, and have power to crucify Thee ? " He said : " Thou wouldest have no power against Me, except it were given thee from above " (John xix. 10, 11). The Greek word (*ἐξουσία*) here translated " power " means also authority—especially authority which rests upon a moral basis. Our Lord's words lead us to see that the power of life and death which the state employs is not truly moral power unless it is derived from God and wielded in accordance with His laws. In other words, the state which disregards the sacred warrant of its authority will in the end forfeit its temporal power. The sword of justice used for unjust ends will pierce the heart of him who mishandles it. And if rulers may learn from this saying of our Lord's, so also may citizens learn that the state is a sacred thing, not springing fortuitously into being, not deriving its dread powers from brute force, but endued by God with power from above to work out and fulfil His great purposes of justice and mercy in the world. As such it has a claim to the loyalty, obedience, and service of every one of its members.

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3. THE APOSTLES' EXAMPLE AND TEACHING

The example and teaching of the Apostles is, as clearly as our Lord's, on the side of Christians who wish to be loyal citizens of a state which employs force for the purposes of justice and peace.

S. Philip baptized the treasurer of Candace, Queen of the Ethiopians, and in answer to his question, "What doth hinder me to be baptized?" said, "If thou believest with all thy heart, thou mayest" (Acts viii. 36, 37), giving no indication that he must renounce his official position in a government department which must have used force in its work.

S. Peter baptized Cornelius, the Centurion of the Italian cohort, without any attempt to make him leave his calling (Acts x. 47, 48). And in his First Epistle he writes: "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evil-doers, and for the praise of them that do well. For so is the will of God, that with well-doing ye may put to silence the ignorance of foolish men: as free, and not using your liberty for a cloke of maliciousness, but as the servants of God. Honour all men: love the brotherhood: fear God: honour the king" (1 Pet. ii. 13-18). In this passage he asks Christians to give a reasoned, conscientious obedience to the Imperial government, on the ground that it exists for a moral purpose—viz., the punishment of wrong and the promotion of

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goodness (*cf.* Acts xviii. 14, xix. 38, xxv. 16, 27, xxvi. 32).

S. Paul was not only a learned Jew, but also a Roman citizen by birth, with influential friends (Acts xix. 31), proud of his citizenship, and always ready to make use of its privileges for the furtherance of the Gospel of Christ (Acts xvi. 37, xxi. 37, xxii. 25, xxv. 11). When the keeper of the prison at Philippi said to S. Paul and S. Silas after the earthquake, "Sirs, what must I do to be saved?" he was not bidden to discontinue his work as gaoler, which required him to go about armed with a sword, but to believe on the Lord Jesus Christ. He was baptized, and continued keeper of the prison (Acts xvi. 30-37). S. Paul resisted Elymas, upon whom blindness fell (Acts xiii. 11), and cursed Ananias, who had commanded him to be smitten on the mouth (Acts xxiii. 3).

S. Paul's writings contain many references to military service, armour, and weapons, without any trace of a feeling that such things are unbecoming to a Christian (*e.g.*, Eph. vi. 11-18).

In the Epistle to the Romans, S. Paul writes : " Let every soul be subject unto the higher powers : for there is no power but of God ; the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God ; and they that resist shall receive to themselves judgement. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power ? do that which is good, and thou shalt have praise of the same : for he is the minister of God to thee for good. But if

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thou do that which is evil, be afraid: for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For this cause pay ye tribute also; for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour" (Rom. xiii. 1-8). Again: "Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work" (Tit. iii. 1).

A whole book might be written tracing out the history of the influence of these words of S. Paul. They formed the starting-point and basis of the political philosophy of the Middle Ages, and we continually find ourselves thrown back upon this great conception of the state as a moral person, a minister of God, the object of whose existence is the maintenance and execution of God's eternal laws of justice and righteousness. We are not concerned here with the question whether S. Paul derived his theory from Christ's words to Pilate (John xix. 10, 11); from Aristotle, who laid down the principle that the aim of a state is the well-being of the community; or from Cicero, who went so far as to say that if a state became unjust it ceased to be a state; or whether S. Paul arrived at his conclusion by applying Christian principles to the theory of the Roman Imperial government. Nor are we concerned here with the

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peculiarly English perversion of the theory, which, as the doctrine of "The Divine Right of Kings," was much exploited in generations succeeding that which broke off relations with the Papacy. What we are concerned to emphasize is that S. Paul, in investing the state with a sacred character, borne because it fulfils a sacred task, supplies the final justification for Christian citizenship, and for Christian acquiescence in the use of force for the purposes of justice and of peace.

One passage in S. Paul's writings, like those which we have considered in the Gospel, seems at first to deny the Christian's right to bear arms: "If it be possible, as much as in you lieth, be at peace with all men. Avenge not yourselves, beloved, but give place unto wrath [*or*, unto the wrath of God]; for it is written, Vengeance belongeth unto Me; I will recompense, said the Lord" (Rom. xii. 18, 19).

1. S. Paul recognizes that it is a counsel of perfection—"as much as in you lieth."

2. The Greek words translated "avenge" and "vengeance" do not imply any animus or vindictive spirit, but mean the proper execution of justice. The passage is meant to teach Christians that they must not take the settlement of disputes into their own hands, but must submit them to the public judicial authorities who have God's power from on high to decide them in accordance with justice. A Christian must be so anxious to see justice done without any personal feeling that he is to care for the wants of his malicious persecutors (Rom. xii. 20, 21). The true

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interpretation of this passage, therefore, strengthens S. Paul's argument in the next chapter of his Epistle that Christians must obey the state.

4. THE PRACTICE AND TEACHING OF THE CHURCH

(a) *c. A.D. 100-400*

In the three centuries succeeding the generation of the Apostles the question whether the Christian might be a loyal citizen of the Empire was consistently answered in the affirmative; and to such an extent was respect for the Imperial government carried that Christians renounced the right of self-defence against martyrdom, and even of flight from persecution. The further question whether a Christian might be a soldier did not involve directly any questioning of the legitimacy of war. It must be remembered that at this time war for the Roman meant war against barbarians whose armies threatened the frontiers of the Empire. Every war was a war for the defence of the country. All other fighting was civil war, condemned by the best pagan thinkers. Accordingly, the writings of S. Clement of Rome,¹ S. Justin,² and other early Christian writers, counsel their followers to pray for the success of the Imperial armies, to obey the Roman government, and, if they are already soldiers, not to desert their occupation. Three Fathers must be mentioned, however, who took a contrary view. Tertullian at first did not demand that Chris-

¹ S. Clement, Epistle to the Corinthians, lx.-lxi.

² S. Justin, *Apologia*, xii. 1; xiv. 3; xvii. 1, 3-4.

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tian soldiers should give up their calling; but after he became a Montanist his opinions hardened, and he denounced war¹ as being forbidden to Christians by Christ's words to S. Peter. Origen admitted that wars in defence of the country were just,² and urged Christians to pray for their success, but declared that they ought to keep their hands clean from bloodshed. Lactantius, the third dissentient, said that the just man would not engage in warfare, but that justice itself was his warfare.³ The opinions of these three writers were not of sufficient authority to prevent a great increase in the numbers of Christians serving in the Imperial armies. There were, however, two questions on which Christian feeling expressed an adverse opinion. It was generally agreed that a Christian soldier who rose to the rank of Centurion might not offer sacrifices to the deified Emperor or to any pagan god, nor pronounce sentence of capital punishment. There was also a general agreement in the condemnation of civil war.

In A.D. 312 the Emperor Constantine became a

¹ Tertullian, *De Corona*, II ; *De Idololatria*, 19, c. A.D. 212.

² Origen, *Contra Celsum*, v. 33, vii. 26, viii. 73.

³ Lactantius, *Divinæ Institutiones* (ed. Brandt, 1890), lib. vi. 20, 16, 17. Ita neque militare iusto licebit, cuius militia est ipsa iustitia, neque vero accusare quemquam crimine capitali, quia nihil distat utrumne ferro an uerbo potius occidas, quoniam occisio ipsa prohibetur. Itaque in hoc Dei precepto nullam prorsus exceptionem fieri oportet, quin occidere hominem sit semper nefas, quem Deus sacrosanctum animal esse uoluit.

For these and other early Christian writers see further *L'Église et La Guerre*, Paris, 1913, p. 8 *seqq.*

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Christian, and during the two succeeding generations Christianity gradually became the religion of the Roman Empire. The task of Christian thinkers was extended from directing the lives of private citizens to exercising influence upon those who controlled the policies of the state. The sense of responsibility sobered extremists who might have been inclined to develop the anarchic line of thought of Lactantius. In 314 the Council of Arles pronounced sentence of excommunication against Christian soldiers who, even in time of peace, threw down their arms. S. Athanasius said that it was legitimate and praiseworthy to conquer one's enemies in war.¹ In the Apostolic Constitutions there are prayers for the ruler and all in authority, and for all the army, that through it tranquillity and concord might be ensured. In the same Constitutions directions are given that any soldier who desires to be baptized shall be taught, in accordance with S. John Baptist's words (Luke iii. 14), to do violence to no man, to exact nothing wrongfully, and to be content with his wages. If the candidate promised to keep these rules he was to be accepted for baptism; but if not, he was to be refused.

S. Ambrose (A.D. 340-397), in his *De Officiis Ministrorum*,² gives a general idea of the teaching of the Church in this early period, and it is worth noticing that the question in debate is now rather whether war is legitimate than whether a Christian may be a soldier. This widening of outlook is the result of the

¹ S. Athanasius, *Epistola ad Amunem*.

² See Appendix B.

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increase in the size of the area within which the Christian conscience is now called to act and direct, in consequence of the Christianization of the Empire and its rulers, and also the result, at any rate in the case of S. Ambrose, of a diligent study of the philosophical works of Cicero, whose influence upon Christian political thought was not inconsiderable.

Writing of courage, S. Ambrose says that Christians may recognize the courage of the warrior, for they themselves are descended spiritually from the heroes of the Old Testament. But mere courage for fighting is not enough. "Bravery without justice is the root of evil," the greater the bravery, the greater the temptation to misuse it. "In the affairs of war the first thing to be considered is whether the wars are just or unjust." The law of virtue consists in repelling injustice: "He who does not defend his neighbour from injury if he is able is as much in fault as he who commits the injury." For example of this principle he cites Moses defending a Hebrew against the injustice of an Egyptian (Exod. ii. 11, 12). It follows from this that a war is just which is for the defence of the country against barbarians, or a great house against brigands. "The courage which is employed in war to preserve a country against barbarians, or at home to protect the weak or to defend comrades from robbers—that courage is full of justice." To courage and justice the warrior must add prudence, moderation, temperance, magnanimity. "If, therefore, justice is of such value in war, how much more must it be kept in time of peace!" "The foundation of justice is good faith."

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But because natural law often leaves men in doubt as to where, in a particular case, justice lies, "the Church is, as it were, the mould of justice." From the time of S. Ambrose onwards the Christian philosophy of war hinges upon the idea of the sacred character of the state and the concept of justice as determining the legitimacy of war.

(b) *S. Augustine of Hippo, and Gratian's "Decretum,"*
about A.D. 400-1200

In the years between the death of S. Augustine of Hippo (A.D. 429) and the publication of Master Gratian of Bologna's *Concordia Discordantium Canonum*, or, as it soon came to be called, *Decretum* (A.D. 1148), practically nothing fresh was added to the Christian philosophy of war.¹ And as the knowledge of S. Augustine's views on war was confined almost entirely, during the years succeeding 1148, to the passages cited by Gratian, it will be convenient in this short sketch of the development of Christian thought to keep our attention fixed on those passages which contain a conspectus of S. Augustine's theories, and represented them to the mediæval world.

The *Decretum Gratiani* soon attained such prestige and authority that it was officially adopted as representing the teaching of the Church, and became the first part of the great *Corpus Iuris Canonici*, or Canon Law of the Church. As such, it authenticated the selected passages of S. Augustine as expounding the

¹ See Appendix C.

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mind of the Western Church on war; and as such, it was lectured upon and taught to every member of every University of Europe, studied in every monastery and cathedral, cited in every ecclesiastical court, and was soon regarded as a necessary part of the intellectual equipment of every educated man. In his *Decretum* Gratian poses two questions on war, which he answers by a collection of quotations from S. Augustine's works—the first, "Is it a sin to go to war?"; the second, "What war is just, and how did the children of Israel wage just wars?"

He declares that the precepts of non-resistance are to be kept rather by an attitude of mind than by outward sign, and to support his contention quotes the following passage from S. Augustine's sermon on the Centurion's servant :

"The just and pious man must be ready to bear patiently the malice of those whose conversion to goodness he desires, in order that the number of good men may grow, rather than that by his equal malice he should add himself to the number of the wicked. So those precepts are rather for the preparation of the heart than for open practice, that patience and kindness may dwell secretly in his heart, but that openly those measures may be taken which seem to be for the good of those to whom we wish well. This is plainly shown by the saying of our Lord Jesus, Himself a wonderful example of patience, when He was struck in the face : ' If I have spoken evil, bear witness of the evil; but if well, why smitest thou Me?' Therefore, if we regard the words of His precept alone, He by no

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means fulfilled it; for He did not offer the other cheek to him that struck Him, but rather forbade him to do it and increase the wrong. . . . Nor does it appear that the Apostle Paul kept the precept of his Lord and Master when, being struck in the face, he said to the high-priest: 'May God smite thee, thou whited wall: dost thou sit to judge me according to the law, and contrary to the law commandest me to be smitten?' . . . Those precepts of non-resistance, therefore, are always to be kept in the preparation of the heart, and that kindness, not to return evil for evil, is always to be fulfilled in will. For action must be taken in many things with regard to those who must be punished with a kind of benevolent harshness, whose profit must be studied rather than their desires. For a father never loses his love for the son whom he corrects, however harshly. But rather let that happen which the offender does not desire, and let him grieve who through grief, though unwillingly, will be restored to moral health. And so, if the secular state will keep the precepts of Christ, let not even wars be waged without benevolence, but that the conquered may the more easily be brought into the fellowship of justice and piety. For the man from whom the power to do evil is taken is the one over whom victory is most useful, since nothing is less happy than the happiness of sinners, which nourishes an evil sense of impunity and a wicked intention which grows strong like an internal enemy. . . . Now, if Christian discipline condemned all wars, those men in the Gospel who came seeking the counsels of salvation would have been told

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to throw away their arms and withdraw themselves altogether from military service. But they were told : 'Do violence to no man, and be content with your wages.' Those who were told that their own wages ought to be enough for them were not forbidden to engage themselves in military service."

Briefly, the Christian warrior's heart must be filled with the desire to benefit those who do him evil, by correcting them as a father corrects his son whom he loves.

The next passage is taken from one of S. Augustine's letters to Boniface :

"Don't think that no soldier can please God. Such was David . . . such were very many just men of that time . . . such was the Centurion who said to the Lord, 'I am not worthy that Thou shouldest come under my roof.' But when you arm yourself for battle, think first of this, that even your very strength and courage are a gift of God. And thus will you think of God's gift, so as not to act against the Lord. For good faith, once given, must be kept even with your enemy against whom you are fighting : how much more, then, with your friend, for whom you fight ? There should be peace of will, but war of necessity. . . . For peace is not sought that war may be waged, but war is waged that peace may be won. So that you must be a peace-maker in making war, to bring those against whom you fight to the benefits of peace by conquering them. . . . And so let necessity, and not the will, overcome the enemy who is fighting. And as violence is offered to the man who fights and resists,

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so mercy is due to the conquered, especially when no breach of the peace is apprehended."

Soldiers can serve God by using His gift of courage in His service, to win the enemy over to peace.

In answer to the question, "What is rightly reprehensible in war?" Gratian quotes a passage from the *Contra Faustum*:

"Cowards, but not men of religion, condemn war for the risk to life. The desire to hurt, the cruelty of revenge, an unappeased and inappeasible temper, the fierceness that desires to renew the fight, the lust of domination, and other such-like things—these are what are rightly condemned in war. And it is for the most part that such things may rightly be punished against the violence of those who resist that good men, at the command of God or some legitimate ruler, undertake to wage war . . . and the natural order of men which is conformable to peace requires that the authority and counsel for undertaking war be in the power of rulers. But if a war is waged through man's cupidity it hurts not the saints, over whom no one has power unless it be given from above. For there is no power but of God, who either commands or permits it. And so a just man, should he chance to undergo military service under a ruler who is a wicked man, can rightly serve under his command, so long as (he for peace sake keeping his rank) it is either plain that his orders are not contrary to God's laws, or is doubtful whether they be so or not. . . ."

Material loss is not what condemns war: a war is condemned by the wicked motives of bad men, to

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punish which good men wage war at God's command or the state's. The declaration of war must rest with the ruler of the state, under whose command the Christian may rightly serve so long as his orders are not flatly contradictory to God's law—that is, even in cases of doubt, where the ruler is wicked.

Dealing again with the question whether it is a sin to wage war, S. Augustine says: "To wage war is no sin, but to wage war for booty is a sin; neither is it a sin to engage in public affairs, but so to engage in public affairs as to increase your wealth is a sin. . . . What Cæsar orders must be borne, what he commands must be endured, but it becomes intolerable when harpies heap up booty."

No question of material gain can make war right. Public service in the state is as wrong as a war for booty if you engage in it for private profit. When the state becomes unjust the burden of obedience is unbearable.

Master Gratian next quotes a sentence, quoted also by Ivo of Chartres, as coming from the writings of S. Augustine. But, though it represents his teaching, it cannot be found amongst his surviving works:

"To true worshippers of God those wars even are acts of peace which are waged, not out of cupidity or cruelty, but from a zeal for peace; in order that the wicked may be repressed and good men encouraged."

To justify the use of stratagems in war Master Gratian gives a passage from S. Augustine's *Liber Quæstionum*:

"The Lord our God bade Joshua set an ambush—

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that is, warriors in ambush to deceive the enemy. Hence we learn that such things are no breach of justice when done by those who wage a just war; for in these matters the just man thinks of nothing more particularly than whether the war is undertaken by one who has the right to wage war. For not all have that right. When, then, he has undertaken a just war no question of justice arises, whether he fight in the open or use stratagems. And just wars we usually define as those which are waged to exact punishment for injuries; so the people or state is sued which has either neglected to execute justice for whatever wrong its members have committed, or to return what has been wrongfully taken away. And this other kind of war also is without doubt just—I mean, war ordered by God, who knows how to deal with all: in which war the general or the people is not judged to be so much the author of the war as the minister of God.”

Just wars are declared, by those who have the right to declare war, against peoples or states which neglect to enforce justice upon their criminals or to observe it in their own dealings with others. Wars which God orders are also just, and those conducting them are carrying out a judicial sentence.

The last quotation which is given in the *Decretum* from S. Augustine’s works is a short one which comes from his Old Testament Questions :

“ Be it well noted how just wars were waged by the children of Israel against the Amorites. For an innocent passage, which ought by the most equitable

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law of human society to have been open, was denied them."

This short extract is important, not for the particular breach of justice which it condemns, but for S. Augustine's underlying idea of separate and independent sovereign states which are members of the fellowship of mankind, and as such bound to observe the laws of justice in their conduct towards one another. This idea was, naturally, a difficult one for men of S. Augustine's time to grasp, and did not become a living and growing idea either then or for centuries afterwards. Men's eyes were attracted rather by the thought of the Papacy or the Empire than by ideas of nationality and supernational comity. But the idea of human society here foreshadowed is one which is now attracting the attention of thinkers of all or no creeds. It is, however, an essentially Christian idea, the perfect fulfilment of which can only be also Christian.

There is one other passage in S. Augustine's writings which, though it does not appear in the *Decretum*, is so frequently quoted as to deserve a place alongside with the rest. It is in his *De Civitate Dei*, i. 21 :

"The commandment 'Thou shalt not kill' is by no means broken by those who wage wars of which God is the originator (*Deo auctore*), or who, representing the power of the state, execute capital punishment upon criminals according to the laws of the state—that is, the command of a most just law."

The penetration which enabled S. Augustine to perceive that the soldier and the executioner are alike

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ministers of justice did not apparently show him the inherent weakness of speaking of wars "*Deo auctore*," "of which God is the originator." This weakness in his argument was perhaps due to the fact that his thoughts on war were largely influenced by his studies of the Old Testament, under which God openly revealed His will to His people. Modern Christians, whether they hold the same views of the Old Testament Scriptures as S. Augustine or not, instinctively feel that God no longer so openly reveals His will on particular questions as to relieve His servants of the necessity of using their judgement. If S. Augustine had perceived the difficulty, he would perhaps have argued, founding his position on Romans xiii. 1, 2, that under the New Testament the Christian is morally bound to obey the just commands of the sovereign independent power with regard to war and the execution of malefactors.

There is a quotation from another author in this section of the *Decretum* which also is worth giving, not only to illustrate S. Augustine's thought on war, but to fill out the concept of war which Gratian put before his readers. It is from Isidore of Seville's *Etymology*:

"A war is just which is waged, after an official edict has been issued, to win something back again or to repel invaders. A judge is so called because he pronounces right (*ius*) to the people, or because he passes sentence by law (*iure*). To pass sentence by law is to judge justly. For he is no judge unless justice is in him."

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This sums up S. Augustine's thoughts, that war is only just when it is an official act of the state, to punish wrongdoers who have offended against the just laws of human society. And the latter part of the definition of a judge carries us back to Cicero's opinion that the state which ceases to be just ceases also to be a state.

(c) *S. Thomas Aquinas: the later Middle Ages*

S. Thomas Aquinas was born in 1226 in South Italy, and died March 7, 1274, as Professor of Theology at the University of Paris. He possessed an insatiable industry, which, coupled with one of the acutest intellects of his own or of any time, enabled him in his short life of forty-eight years to produce such a monument of learning as the *Summa Theologica*, or "The Sum of Theology." The work soon came to be regarded as authoritative, and was even placed, with the Scriptures and the *Decreta*, on the altar during the sittings of the Council of Trent, 1545-1563.

S. Thomas deals with the question of war in the Second Part of the Second Part, Question XL.¹

There are four questions which, he says, must be considered with regard to war—(1) whether any war is permissible; (2) whether it is permissible for clerks in holy orders to fight in war; (3) whether it is permissible for those engaged in war to use stratagems; (4) whether it is permissible to wage war on feast-days.

¹ See Appendix D.

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These questions might be summed up thus: Is war right? If so, is it right for all men, by all means, at all times? He concludes that clerks in holy orders ought not to fight, on the ground that their spiritual work is of very great importance, but that they should accompany the army, to minister to the sick and dying and to bury the dead. Following S. Augustine, he shows that stratagems are legitimate, on the ground that, though you are bound to keep faith even with your enemies, you are not bound to reveal your plans and purpose to them beforehand. His opinion on fighting on feast-days is that if it is absolutely necessary it is permissible.¹

With regard to the main question, "Is war always a sin?" he proceeds by stating the reasons for condemning war, by laying down the conditions of a just war, and then by answering the previously stated objections. It will be convenient to consider the objections and their answers together first.

The first objection to war is that punishment is never inflicted except for sin; but punishment is meted out by the Lord to those who fight (Matt. xxvi. 52: "All they that take the sword shall perish with the sword"). Therefore all war is illegitimate. The answer to this is to be found in S. Augustine, *Contra Faustum*: "The man who takes the sword is he who arms himself to shed another's blood without the order or permission of any superior or legitimate power." But, S. Thomas explains, the man who uses

¹ See under *Treuga Dei* in Chapter III., pp. 84, 85, and Appendix J.

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the sword by the authority of the ruler or judge (if he be a private person) or from zeal for justice, as by the authority of God (if he be a public person), does not himself take the sword, but uses it as committed to him by another, so that he ought not to be punished.

The second objection to war is that whatever is contrary to the Divine precept is sin; but to wage war is contrary to the Divine precept (Matt. v. 39: "Resist not him that is evil"; and Rom. xii. 19: "Avenge not yourselves, beloved"). Therefore war is always sin. In reply to this S. Thomas quotes S. Augustine's words that precepts of this kind are to be kept always in the preparation of the heart, so that a man should always be ready not to resist or to defend himself, if need be. But sometimes he must act otherwise for the good of the community, or even for the good of those with whom he fights. To support this he quotes parts of the passage from S. Augustine's sermon on the Centurion's servant beginning "For action must be taken . . ." down to ". . . like an internal enemy."¹

The third objection to war is that nothing is contrary to an act of virtue except sin; that war is contrary to peace; and that, therefore, war is always sin. To this he answers that those who wage war justly intend peace, and so are not acting contrary to peace, unless to a wicked peace, which the Lord did not come to send on earth (Matt. x. 34). Then he quotes S. Augustine's letter to Boniface:

"For peace is not sought that war may be waged, but war is waged that peace may be won. So that you

¹ See p. 28 for the whole passage.

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must be a peace-maker in making war, to bring those against whom you fight to the benefits of peace by conquering them."

The fourth objection to war is that every exercise preparatory to a legitimate thing is permissible, as is plain in the exercises for the sciences. But the exercises for war, which take place in tournaments, are forbidden by the Church, because those who die in such practices are deprived of Church burial. Therefore war is plainly sin. But the objection is met by the consideration that not all exercises for war are forbidden; but only those which are inordinate and dangerous, from which skirmishes and forays arise.

The objections having been considered, S. Thomas's arguments for the legitimacy of war must be reviewed. He first quotes the words of S. Augustine from the sermon on the Centurion's servant :

"Now, if Christian discipline condemned all wars, those men in the Gospel who came seeking counsels of salvation would have been told to withdraw themselves altogether from military service. . . . Those who were told that their own wages ought to be enough for them were not forbidden to engage themselves in military service."

From this we are to conclude that war is not plainly sin.

He next goes on to say that in order that a war may be just three things are required: (1) The authority of a ruler, (2) a just cause, (3) a right intention in the belligerents.

1. The authority of a ruler at whose command war

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is to be waged is necessary for a just war for two reasons: A private person may not begin a war, because war is really only the last resort for obtaining justice, and he can always get justice in the court of his superior. But there is no superior's court to whom rulers of independent states may apply for justice. They are therefore at liberty even to declare war in order to satisfy justice. Of course, the weakness of this resort to force lies in the fact that the side on which justice lies is sometimes the weaker side and is beaten; and sometimes both belligerents claim to have justice on their side. Further, a private person may not assemble the number of armed men required for war. By process of exhaustion, therefore, S. Thomas declares that only independent rulers may declare war. But he goes farther, and shows that it is their positive duty to protect the state committed to their care. And as they legitimately defend it against internal disturbance by the punishment of malefactors, so with the sword of war ought they to defend it against external enemies. In support of this he quotes S. Augustine's words, *Contra Faustum*:

"The natural order of men, which is conformable to peace, requires that the authority and counsel for undertaking war be in the power of rulers."

2. A just cause is necessary for a just war. Those who are attacked must deserve attack on account of some guilt. This point seems to S. Thomas so plain that, without elaborating it, he contents himself with quoting from S. Augustine's *Liber Quæstionum* :

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“Just wars we usually define as those which are waged to exact punishment for injuries; so the people or state is sued which has either neglected to execute justice for whatever wrong its members have committed, or to return what has been wrongfully taken away.”

3. The third requirement for a just war is that the motives of the belligerents should be right. Their aims must be either to promote some good or to avoid some evil. To support this he quotes the words attributed to S. Augustine in the *Decretum* :

“To true worshippers of God those wars even are acts of peace which are waged, not out of cupidity or cruelty, but from a zeal for peace, in order that the wicked may be repressed and good men encouraged.”

He goes on to add that wicked motives, such as those which S. Augustine condemns in the *Contra Faustum* (“the desire to hurt, the cruelty of revenge, an unappeased and inappeasable temper, the fierceness that desires to renew the fight, the lust of domination, and other such-like things”), may make illegitimate a war which began with the proper authority and a just cause.

There is much which S. Thomas leaves unsaid (*e.g.*, he does not develop his argument about a just cause beyond general considerations), and subsequent Christian thinkers on the subject chiefly occupied themselves with filling in his outline, without going farther with the main principles of his ideas. But it is probable that in this brief consideration “On War” we have as clear a perception of the points at issue

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and as masterly an exposition of the Christian principles which must guide us in forming a judgement as were ever put together in so short a space.

(d) *The Church of England after the Reformation.*

A word must be added as to the authoritative teaching of the Church of England after the Reformation. This is contained in Article XXXVII., drawn up in 1562, which, after asserting and qualifying the attribution of the chief government to the King's Majesty, proceeds to state that they, our Princes, "should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil-doers. . . . The Laws of the Realm may punish Christian men with death, for heinous and grievous offences. It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons, and serve in the wars."

These statements clearly involve the doctrine that Christians may avail themselves of force, and draw the sword of justice in the service of the state to restrain the stubborn and evil-doers, to carry out sentence of death upon condemned criminals (even though they be fellow-Christians), and to wage war when called upon to do so by legal authority.

It is noticeable that in the authorized Latin version of the Article the word *iusta* is inserted before *bella* in the phrase translated "serve in the wars." Why *iusta* was inserted in the Latin version, or, alternatively, why "just" was omitted before "wars" in the

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English, is not at all clear. As it stands, the existence of a Latin version which brings the great Christian conception of *iustum bellum*—war which is just—to the mind of the educated at home and on the Continent, though side by side with an English version which seems to leave Christian men with no question about a war except whether the magistrate has commanded it or not, gives some slight indication that those who framed the Articles did not wish to depart from the traditional teaching of the Church.

The Church has always upheld a very high ideal of the calling and duty of civil rulers in England. By the Coronation Oath which every newly crowned King has taken ever since long before the time of King Alfred, the monarch promises to suppress all acts of rapacity and wickedness in all ranks of society, and in all his judgements to give decision according to justice and mercy. The Book of Common Prayer contains in every common service petitions that the King's aim in all his thoughts, words, and works may be God's honour and glory and the welfare of his subjects, God's people committed to his charge. Prayer is offered to God that He will so strengthen the King that he may vanquish and overcome all his enemies; that those in authority under him may truly and impartially, with grace, wisdom, and understanding, execute justice for the punishment of wickedness and vice, and maintain truth, true religion, and virtue; that the consultations of his Parliaments may be for the advancement of God's glory, the good of the Church, the safety, honour, and welfare of the

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Sovereign and his dominions ; that all things may be so ordered and settled by their endeavours, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations.

Nor are the duties of the private members of the state without their Christian ideal. The Church prays that the King's subjects, duly considering whose authority he hath, may faithfully serve, honour, and cheerfully, for conscience' sake, obey him, "in Thee, and for Thee, according to Thy blessed Word and ordinance." The truth that lurks in prepositions forbids unconditional obedience; the Christian's obedience to the civil government of the state is only rendered in God and for God, and according to God's word and command. And while we pray to be delivered from sedition, privy conspiracy, and rebellion, we pray also that the King's heart may be ruled in God's faith, fear, and love, and that he may evermore have affiance in God, and seek His honour and glory, and that truth and justice, holiness and righteousness, peace and charity, may abound in his days.

CONCLUSION.

The result of the inquiry has been, briefly, to show that the Christian regards the state as a being invested with a sacred character entrusted by God with powers of life and death over its citizens; that he is taught that he may, rather than he should, submit to its authority with tranquil conscience, and

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take part in its life and work, so long as it is just and righteous, and even, as its minister, draw the sword of justice which it does not bear in vain.

There has, perhaps, never been a time in history when it was more necessary than now that Christian citizens should take up their membership in the state to the full extent of its content, and should be quite clear about the duties which are involved in it. If a League of Nations is to come into being it can only be rendered effective and lasting through Christian influence. And Christian influence can only make its proper weight felt if it is based upon Christian philosophy. That our citizens should be rightly instructed about their relationships is the greatest need of the time—in home life, in industrial life, in national and in international life. Strife and war bring in their train such suffering and loss, such disorganization, such threatenings even of the dissolution of human society, and involve so many millions of immortal souls, not voluntarily, but by compulsion, that we ought to make every effort to proclaim the things which are true, reverend, just, pure, and lovely, so that, thinking on these things, our citizens may know the peace of God upon them.

II.

CHRISTIAN WAR—I. JUST WAR; II. HOLY WAR

THE Germans are not the first people in the history of the world who have regarded war, not as a calamity which statesmanship should vigorously exercise its powers to avoid, but as a means of progress whereby their national character may be developed and strengthened, their dominions extended, and their trade increased. But, as the considerations just adduced have led us to think, Christians must regard all violence as wrong except that which must be employed for the purposes of justice and peace between man and man and between nation and nation. The aim of intercourse between persons and peoples is not mere peace, but peace based upon justice and law, and in order to obtain justice if it be not present, or to maintain it if threatened, war may be employed as the last resort by Christians without sinning against the teaching of their Master.

The employment of this means for the purposes of justice, however, has been hedged about by conditions which have uniformly tended (when observed) to reduce the number of occasions on which a Christian may lawfully wear weapons and serve in the wars. The principal conditions of just war, *iustum bellum*,

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are three in number: (1) That the war should be declared by some one having proper authority; (2) That the war should not be declared for any other than a just and grave cause; (3) that the war should be entered upon and waged with right motives. It is the purpose of this chapter to consider, first, these three conditions of a Just War, and, next, those of a Holy War.

I. JUST WAR

1. *Who May Declare War?*

No war is regarded as just which is declared by any other than the sovereign power of an independent state. This condition is not an extension to the sovereign power of a privilege denied to others, but rather the limitation to one source in each state of what was in early times regarded as the right of all. The days are now long past when feuds and vendettas between persons and families were the recognized means of settling disputes, but we have not yet passed clearly away from the idea that duelling is not entirely sinful. But Christian thinkers have steadily persisted in condemning such acts of violence as brigandage, private war, and civil war as acts in which Christians should not engage.

Why, then, it may be asked, is not war condemned altogether? If it was wrong for half-independent barons to fight one another in the Middle Ages, why is it not wrong for states to fight one another now? The answer lies in the thought that not peace but justice is the aim of man's intercourse with man.

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Single persons, whether alone or as leaders of districts, small communities such as towns, or members of a federation of states, all have a superior to whom they may appeal for a just settlement of their disputes. Two persons quarrelling about an inheritance can appear in a law-court, where their case will be tried and justice done. If both parties accept the verdict the dispute is settled; if the loser appeals on good grounds, the case is tried again, and the former decision affirmed or reversed. But in the vast majority of cases the loser abides by the first decision, and in practically all cases in civilized countries the ultimate judgement of the courts is allowed to settle the matter. There are people, however, who refuse to accept an adverse verdict. Against these the state will in the last resort enforce its decision by the exercise of compulsion. The man who refuses to leave a property to which the state, acting through the law-courts, declares he has no right, will, in the end, be evicted by force.

But to whom may a sovereign independent state appeal for the just settlement of its disputes? It has no superior whose verdict will be accepted by both parties to the dispute, or, if not accepted by the loser, enforced by compulsion. Here lies at the present time the limit which separates war which Christians may engage in from that which is sinful. All those who have a common superior (whether a single person such as a feudal lord, a state such as Great Britain, or a federal government such as that of the United States of America) to whom they may appeal for justice are in conscience bound to abstain from war. But those

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who have no such superior are justified in taking into their own hands the settlement of their disputes, always having regard to justice and right. Thus war is regarded, like capital punishment, as the highest exercise of the sovereign power's right of penal justice. But with this difficulty, that the state is both judge and party in the dispute. There is a natural feeling that justice is on our own side, or at any rate, if we do not clearly envisage justice, we try to make out the best case possible for ourselves in any dispute. But upon the sovereign power in each state is laid the great responsibility of considering its own case and judging on which side justice lies. The wisdom of the old axiom *Nemo de se iudicet* (Let no one be judge in his own cause) is proved by almost every page of European history. The conscience of the sovereign power, whether it be that of Emperor, King, President, Cabinet, or Senate, must be so clearly attuned to the Divine teaching as to be able to lay aside all thought of self-interest or of pride, and to consider, not by any private code of morals, but by the Christian laws of right and wrong, whether it ought to exercise its greatest and final prerogative of war.

In so doing it must weigh up the value of the clamouring of the people, which will often cry out upon imperfect information, which will be inflamed by partisan or class feeling, rendered incapable of seeing justly by national pride, and (most difficult argument of all to resist) empowered by the vote to uphold or overthrow those in whose hands rests for the time being the exercise of the functions of government.

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Nor are those upon whom, to a large extent, men depend for their opinions free from responsibility. The influence of the Press rather grows than shrinks. The deliberate publication of a piece of false news (as, for example, of German mobilization by the *Lokal-anzeiger* in 1914 before it had been ordered) or of inflammatory articles may easily have effects before which all opportunity of impartial consideration of justice will be swept away, and war will be forced upon the government, not by an act of deliberate judgement, but by mere sentiment and passion.

The conscience of English Christians rests assured that the first great condition of a just war, that it should be declared by the sovereign power after calm consideration, after the exhaustion of other means, as a last resort, was completely fulfilled in August, 1914. For the sovereign power in our state rests in the hands of the Cabinet of the day, which is dependent for its existence and power upon the support of the House of Commons, which in its turn depends upon the electors. (The passing of the Electoral Reform Act, practically extending the franchise to adults of both sexes, will make future governments even more fully representative of the whole people.) Moreover, our state is not newly risen to autonomy, and therefore eager to show its independence by free exercise of all its prerogatives, but is the venerable leader of a Commonwealth of peoples, which has been accustomed for centuries, through Viceroys, Governors, courts, judicial committees of the Privy Council, and in other ways, to decide questions of justice and right between contend-

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ing peoples and districts in her Empire in all the continents of the world. Our statesmen, therefore, inherit a tradition of impartial judgement in matters of practically international dispute. Further, our people have shown themselves capable of accepting in arbitration decisions adverse to themselves, as, for instance, in the matter of the *Alabama*, and in the dispute about the Alaska boundary on the Pacific coast. And even though by traditional training and by recent performance the English sovereign power was better qualified, perhaps, than any other to be both judge and party, it was called upon to decide the cause, not of itself, but of another state, Belgium, whose independence, in common with Prussia, it had guaranteed. So that we were not even put to the test of judging our own cause.

The difficulty of adjusting international disputes, or rather of maintaining just and proper relationships between separate sovereign powers, has been so great that some have attempted in the past to isolate themselves completely from their neighbours. The Hermit Kingdom of Thibet for many generations steadily refused to have any intercourse with the surrounding peoples of China and India—a policy which was rendered the easier by the existence of great chains of mountains round her frontiers. The Great Wall of China and the Roman Walls in Britain are evidence of similar attempts to prevent the occurrence of international disputes by the avoidance of all relationship. But the most conspicuous instance of this policy is in the history of the United States of America. From

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1775, the year in which the States declared their independence, until their entry into the war in 1917, they kept definitely clear of European entanglements. Even in the Spanish-American War, 1898, no attempt was made to attack Spain in Europe or to call other powers into alliance. Indeed, so wedded were the citizens of the United States to their resolution to be as free of international problems as was humanly possible that, by their famous Monroe doctrine, they tried to limit, if not to extinguish, all European interference and influence in the whole continent of America. But man's ever-increasing mastery over the forces of Nature and the rapidity of modern communications tended to reduce the practicability of such isolation. From August, 1868, when the electric telegraph across the Atlantic to America was completed, it became inevitable that the States would be drawn into participation in the task of European civilization in the world. The great expansion of international trade, a fertile source of dispute, and the dependence of countries upon one another for supplies of raw material and of manufactured articles, combined to render more and more difficult the policy of the hermit state. It was not, however, proximity or interdependence which finally convinced the sovereign power of the United States of the necessity of joining in the war, but rather the perception that the great issue in dispute was this—whether the relationships of nations are to be decided by brute force or by canons of justice, right, and mercy. She perceived that the self-isolated state is a selfish state, withholding from its

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fellows its contribution to the great ideals of mankind.

Since the latter half of the fifteenth century and the beginning of the sixteenth, in which Constantinople was taken by the Turks, America was discovered by Spain, and the Cape route to the Indies by Portugal, in which the Christian republic of Europe not only thus extended its borders to other continents, but broke away from the moral leadership of the Pope, Europe has been a congeries of separate nations each struggling for territory both at home and across the seas, struggling for wealth from gold-mines and from trade, struggling for such power as may enable it to overcome its neighbours. These struggles have culminated at intervals of about a hundred years—Spain's effort in Elizabeth's reign, France's as a kingdom in Anne's, France's again, but as a republic, in the reign of George III., Germany's in the reign of George V. And it is not without significance that on each occasion our state has been on the side of freedom, even if she has not always exercised a decisive influence on the struggle. Such an international system, or want of system, has resulted in the creation of alliances, and in the elaboration of the doctrine of the Balance of Power, by which statesmen have striven so to arrange that no one nation should obtain the hegemony of Europe or of the world. It must, however, be emphasized that this policy is based primarily upon self-interest and competition, and not upon justice and right. Enlightened self-interest is often clear-sighted enough to see that no man, nor

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any state, liveth to himself alone, and that one's own interest is sometimes best served by serving also the interests of others; but it is generally opposed to change unless thereby self will benefit. And the fact of its foundation in selfishness and rivalry has prevented it generally from attempting to solve the problems of international relationship in the spirit of disinterested justice and fellowship. Whatever defence apologists may make for the Balance of Power as a working policy, it remains true that it does not lead the nations of the world onwards, but is rather an incentive to competition in armaments and warlike spirit. For the last four hundred years Europe has been a crowd of separate nations, settling their disputes mostly by force of arms, and recognizing no superior to whom an appeal might be made for justice. Such a plan could only be satisfactory if every man and every state were able to form impartial judgements and to guide their actions by the same code of morals.

States cannot for ever be hermits or cut-throats. Like persons, they must work out some means whereby they may live together according to the teaching of Christ in justice and in charity. We have seen that Christian thinkers gradually induced Europe to accept, in theory at least, the restriction of the declaration of war to sovereign independent states—a restriction working upwards and narrowing, like a tide of placid water cleansing as it rises up the sides of a great rock: the crows and kites still scuffle upon the summit, but below the surface of the water there is peace.

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If we carry forward this line of thought it becomes plain that international relationships would become easier if there could be found some superior to whom states could appeal for justice. In the Middle Ages, from the eleventh century to the fifteenth, such a position was almost within the reach of the Pope. It will appear from the historical chapter which follows how real was his authority in settling disputes between sovereign powers, and how well he generally used his power. But such was not, nor could be, his main work then; and now the nations of the world would not consent to abide by his arbitrament. The Hague Conference, happy thought of an ill-starred autocrat, never really gained the popular favour, and when its time of possible usefulness came in 1914, Germany and Austria refused to submit their case to its court, and did not even keep the agreements which they had signed at some of its previous sessions.

If there were some superior, whether single person or court of judges, to whom states could appeal for settlement of their disputes in accordance with justice and right, there would ensue this great boon to mankind, that states would no longer be both judge and party in their own cause. They would give up, as, in the progress of Christian influence, single persons, communities within a state, and states within a federation, have given up, the prerogative of declaring war. But before states can be induced to give up this right there must be in them a change of heart, which shall lead them to aim at justice rather than at power.

Briefly, then, it would be the logical sequel of

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Christian ideas, as to the first condition required for a war in which Christians may legitimately engage, if the sovereign independent powers of the world would agree to give up their right to settle disputes by war to some superior whom they could confidently trust to judge impartially and wisely, so that he alone should exercise the right of penal justice upon offenders. If this proved to be too sudden a renunciation, they might agree for a period not to declare war on one another without the superior's permission duly granted after both parties (or at least the aggrieved party) had been heard.

But it cannot be too strongly laid down that no machinery is of any value for this purpose unless the states of the world earnestly desire to live together in justice and in charity, in the Christian spirit of helpfulness and self-denial, in honour forbearing one another.

2. For What Causes and by What Procedure may War be Declared?

(A) CAUSES CONSIDERED.—Having concluded that the prerogative of declaring war rests with the sovereign power in each state, Christian thinkers were bound to investigate in the light of conscience the causes of dispute which might arise between state and state, and so give occasion for the sovereign power to exercise its last dread function.

The relationships of single persons in society are fixed partly by nature (such as those of the family) brought under the control of some complex of ideas,

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and partly by the fact of man's dependence on his brethren for many of the necessities of life. For example, relationships of bargain and exchange, in which men must deal justly with one another, come into existence as soon as man reaches a stage of civilization in which the labour of himself and his family will not suffice to produce enough food, clothing, and means of shelter for their wants. As civilization develops, trade in luxuries is added to trade in necessities. In time, too, relationships are established through community of sentiment and exchange of ideas in religion, politics, and art.

Homer pictures the Cyclopes, living each alone in his cave on the mountain-side, caring nothing for others, a law unto himself and his family alone, because his wants were few and could be supplied by his own efforts—his shelter, a cavern; his clothing, sheepskins; his food, milk, cheese, and meat from his flock. But Homer is careful to show us the practical impossibility of such a life cut off from all relationship with the rest of mankind. And indeed, when the other Cyclopes ran at their comrade's cry of pain to his cave, the poet intends us to understand that even these rough, untamed cave-dwellers felt that a neighbour's distress must be at least inquired into, if not relieved.

If we pass to the opposite extreme and examine the case of the inhabitants of Tristan d'Acunha, we find that all the islanders are related to one another, by descent and intermarriage; the interests of one are the interests of all. They all trade with all passing ships that will touch at the island; the interests of the little

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community lie in establishing friendly relationships with all those with whom they can come into communication.

The relationships of nations are similarly fixed partly by nature, partly by man's design. When men leave their native land and settle in other parts of the world they change their climate, but not their general outlook on life. Their race, their language, their cast of mind, at least remain the same; and often so also their religion, their political ideas of justice and freedom, their law, and their arts. A natural relationship springs up between the new land and the old, sometimes, as in the ancient Greek colonies, rendered lively and lasting by a continuance of family ties and ceremonial observances.

We may see how strong these bonds of relationship may be not only from the British Empire, which has for the most part remained (to its great benefit) under one sovereign power, but from the example of the Spanish colonies in America, which, though now sundered in government and common interest from Spain, still look to her lead for guidance in their general attitude towards the great problems of international life.

The British Empire is, in fact, a great league or commonwealth of nations, bound together by ties of race, language, and interest, which have tacitly agreed not to claim the prerogative of war, but to settle their disputes by the judgement of a superior (the Supreme Court of the Privy Council in London), to whom they may appeal for justice.

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But the relationships of other nations, which have no natural community of interest, are fixed by their proximity to their neighbours, by trade and commerce of one kind and another. And, on the whole, it is from these artificial relationships that causes of dispute arise. The possession of a piece of coast-line, of a river-mouth, of a port; the monopoly of some raw material; such legislation as the Navigation Acts; such trade regulations as hampered the American colonies in the eighteenth century: things such as these cause jealousy, enmity, strife. Nor in the past have other causes been unknown, such as dynastic intrigue and democratic ambition.

Nations, however, like single persons, should be able to live together in justice and in charity, valuing always justice before peace. In cases of difference between nation and nation the sovereign power of each is bound by the Christian law to examine very stringently the details of the matter in order to discover on which side justice lies. It is plain that an act of injustice on one side involves justice on the other side. For example, every war of aggression is unjust; therefore every war of self-defence against aggression is countenanced by justice.

The horrors of war are so great and its results generally so terrible that no cause in which there is not a clear breach of justice and right can be held sufficiently urgent to justify a sovereign power in having recourse to war. Let us examine the various possible breaches of justice between state and state which Christian thinkers have considered sufficiently

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grave to warrant war, failing other competent satisfaction. They may be roughly divided up amongst four classes.

(a) *Acts of Injustice connected with Territory.*—An aggressive and uninvited invasion of a sovereign power's territory, the continued occupation of it, holding it to ransom, pillaging it and destroying the buildings, fruit-trees, crops, etc., are breaches of justice for which, failing adequate reparation and an undertaking not to repeat the offence, the sovereign power whose territory has been invaded is warranted in declaring war upon the aggressor. Should one state, however, be in unjust occupation of territory belonging to another state, the state which has been robbed has justice on its side in an attempt to regain what rightfully belongs to it.

(b) *Acts of Injustice connected with Citizens.*—A sovereign independent state is bound to defend the lives and property of its citizens. For this purpose it maintains within the area of its own jurisdiction a force of police, which will, if necessary, be supplemented by armed forces, to protect citizens from violence. Suppose a great mob of rioters declares its intention of burning the house of a citizen who in some way is obnoxious to them, or even of killing him, the state is bound to protect him and his house. It is true that such protection may involve the death of many rioters, police, soldiers, peaceful citizens, women and children, besides the destruction of a great deal of property near the obnoxious citizen's house; whereas if the state refused its protection, only one house

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would be destroyed and only one citizen would lose his life. Nevertheless, a principle of justice is involved, and the state is bound to act. Similarly, the state must protect its citizens against maltreatment of their persons, against the destruction or confiscation of their property, without reparation, by another state, unless this comes upon them as a just consequence of their own misdeeds. Further, states have always recognized their obligations to extend protection, where possible, to their citizens who may be temporarily living or travelling in other states for legitimate purposes. A sovereign power which ill-treats subjects of another power who are trading or travelling within its confines, or who are on a pilgrimage (as to S. James of Compostella or to the Holy Places of Palestine), or who are engaged in the work of preaching the Gospel, lays itself open to punishment if it refuses due reparation. The story of the relationships of European states with one another in Europe and elsewhere, and with other powers in other continents, is full of examples which show the importance attached by all civilized powers to their obligation to protect their citizens going about the world on their lawful occupations.

(c) *Acts of Injustice connected with Government.*—Under this heading come such matters as improper interference in the domestic politics of another state, as, for instance, by bribery, which tend to make citizens look elsewhere than to the good of their own state for the motive of their political action. Such improper interference will soon lead on to attempts to

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exacerbate internal trouble, to stir up and encourage rebellion or revolution against a good government. Christian thinkers, holding with S. Paul a very high ideal of the authority and functions of the sovereign power in a state, could not but condemn as unjust and wrong efforts to cause such internal weakness and distraction as would render the government of another state incapable of properly carrying out its functions at home and abroad. But if a government were, beyond any shadow of doubt, wicked and immoral, neighbouring states might attempt to deliver its citizens, just as the state will take children from the custody of persistently cruel parents.

(*d*) *Acts of Injustice connected with the State.*—When a state attacks another state in war through mere desire to win military glory, it is a grave breach of justice, which the state attacked may rightly resist by force. War is an exercise of penal justice, and no stretch of fancy or ingenuity can make it appear that the wanton attacks of a state, which is perhaps newly risen and anxious to try the power of its unfleshed arms, are acts of justice for which the attacking sovereign power is prepared to answer at God's judgement-seat. So, too, Christian thinkers have consistently condemned as breaches of justice all attempts to conquer a neighbouring state which are incited by a belief in the attacking party's mind that he has that superiority in strength which is necessary to achieve his purpose. Finally, wars begun by a government in order to lull the opposition against itself at home and to establish itself firmly in power

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are condemned as breaches of justice which the attacked state may rightfully resist.

In brief, when we consider attacks upon territory, citizens, governments, or states, it is clear that Christian thinkers maintain that the sole cause of a just war is a grave breach of justice.

(B) THE PROCEDURE OF DECLARING WAR. — The actual procedure of declaring war is not without its importance in the Christian philosophy of war, because in each of its four stages there is given opportunity for reflection and amendment.

When a sovereign power suspects that it has been the victim of unjust treatment as to its territory, its citizens, its government, or its very existence, it is bound to make the most careful inquiry possible into all the circumstances of the case. In such a serious matter as war no Christian power can rightly rush headlong into conflict with the supposed offender upon suspicion merely, or allegation. It must be proved indubitably that the offence has been committed. More than this, the wronged state must be certain that the breach of justice was intentional and not accidental; and if intentional, then, further, that it was not properly an act of punishment against some intruding members of the aggrieved state engaged in improper occupations abroad. No state, for example, could overlook deliberate maltreatment of its citizens going about their lawful business; but no state could rightly go to war with another state which had caught and punished its citizens acting as spies, *agents-provocateurs*, or stirrers-up of revolution.

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Of course, in case of an invasion (that is, acts of war committed by the armed forces of a state within the frontiers of another state) the state whose territory is invaded is bound immediately to take action in self-defence against the invaders. But in other cases where a deliberate act of injustice has been committed the Christian power is bound to delay awhile before proceeding to declare war. The power attacked must weigh the horrors and evils of war against the evils of injustice. No merely material loss can ever balance against war, but a grave injustice which threatens the independence of a state, or which, if permitted to occur without punishment, would tend to bring about the dissolution of civilization, must be dealt with. It is in the sphere of morals that the true importance of an action lies, and nothing less than a grave moral offence can be allowed to reckon as a cause of war.

If, after proper investigation, the aggrieved sovereign power finds that a deliberate offence has been committed against itself by another sovereign power, and, moreover, that the offence is of such a character as to involve a grave breach of justice which cannot without danger be passed over unnoticed, it must state the facts to the aggressor, and demand explanation and competent satisfaction with a view to a peaceable settlement. An exchange of notes may follow, in which the aggressor may maintain that the action complained of is really an act of justice, and therefore may rightly be persisted in, or may admit the offence and make such satisfaction and reparation as is adequate. A recent example is that of the attack

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by the Russian fleet, then on its way to the East, upon British trawlers in the North Sea. Instead of bidding the Navy sink the Russian fleet at sight, Great Britain demanded explanations, which were given, and reparation, which was made (as far as material reparation can atone for bloodshed). If it appears from the diplomatic correspondence that both parties believe themselves to be in the right, they may agree to call in a third party agreeable to both as mediator, or they may submit their case to an arbitration. The arbitration may be conducted by a specially appointed commission, or by a court such as that of the Hague Conference, which has done much useful arbitration work. But should the aggressor refuse either to make explanation and satisfaction, or to submit to mediation or arbitration, or, having submitted its case, should refuse to abide by a decision adverse to itself, even then the aggrieved party is held bound to give one more opportunity for retraction before declaring war. A document called an "ultimatum" is sent to the sovereign power of the aggressor pointing out the grave consequences which will ensue if unjust action is supported and continued, and giving a last opportunity for reparation within a named period. Should no answer, or a defiant one, be returned, a state of war between the two sovereign powers exists from the time named in the ultimatum, and with a clear conscience the aggrieved state may call upon its Christian citizens to vindicate the right.

The action of Great Britain in declaring war upon the German Empire in 1914, as may be proved by the

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published official documents, followed strictly the lines of action laid down by Christian thinkers. Nay, more; for the breach of justice which brought the Empire into the war was not committed against our own sovereignty, but against that of another state, whose integrity we were bound in honour to maintain. Our government, therefore, was not in the difficult position of being both judge and party in its own cause. No considerations of material loss or gain, of damage done to its own territory, citizens, government, or state, influenced its judgement. It was not led by national pride to rush headlong into war. But calmly and judicially it ascertained that Serbia had been outraged, and that the territory of Belgium had been violated deliberately. It decided that such acts were grave breaches of justice, so grave as to threaten the whole fabric of European civilization, and so wicked as to destroy all possibility of international trust and confidence in the aggressors if allowed to pass without protest. Even so, the British government proposed arbitration of any kind acceptable to the Germanic powers, and, when this was refused, despatched an ultimatum giving them a last opportunity of withdrawing, and of righting the wrong.

It is true that, in common with the Prussian government, the British had guaranteed the integrity of Belgium, but such was not the case with the United States of America. They had consistently kept themselves as clear as possible from international imbroglios, both by abstaining from interference in

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European interstate politics, and by trying to limit European activity in America. The intervention of the British and the American sovereign powers in the war was more than even the strictest Christian thinkers have previously required. And it is along this line of thought that we may look for an advance towards a League of Nations. In civil life men will often stand up to a bully and defend the weak against him, even if they feel that their conscience forbids them to defend themselves against attack; but hitherto no nations have been so devoted to the cause of Christian justice and charity as to risk incalculable material damage—even their very existence—in defence of another. If such a feeling had animated Europe two hundred years, a hundred and fifty, perhaps even only fifty years ago, the present catastrophe would not have come upon us. Had the opinion and the pressure of civilized Europe protested against, opposed, and fought against the successive robberies and aggressions of the brigand rulers of Prussia, the German Empire, rooted in dishonour, would never have been capable of such outrages upon all Christian thought and conduct.

The war has aroused in the hearts of all Christian and civilized peoples, not only a horror of war, but a passionate hatred of the injustice which makes war necessary, and a conviction, so strong as to be a motive for action, that a breach of justice committed by one nation against another is not a private affair which the two must settle between themselves how they please, but is an offence against the common life

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of nations, for the punishment of which responsibility lies equally upon all.

3. *With what Intention should War be Waged?*

The teaching of our blessed Lord on man's conduct to his fellow-men was directed not only towards enjoining on His disciples certain outward acts, but still more towards cleansing man's heart from evil thoughts and desires, and planting therein, as the prime motive of his life, love towards God and love towards his neighbour. Christian teachers of all ages and climes have pursued this line of teaching with unflinching clearness. Some peoples, perhaps, of a severely practical turn of mind, who regard rather the work accomplished than the impulses which inspired it, or who are peculiarly open to the appeal to their pride and reputation, have not paid due attention to the importance of this element in Christ's teaching. Such nations must guard themselves very strictly against falling into the sin of being hypocritically respectable, and of thinking that the fact of their doing a thing makes it consequently a justifiable, if not a virtuous action.

In no department of human activity is it of more importance to be absolutely clear about motives than in international relationships. So much of good or of evil for single persons, for states, for civilized mankind, depends upon the decisions and policies of sovereign powers that too much care cannot be exercised in scrutinizing the intentions with which

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governments act towards each other. Nor are the great dependent issues the sole reason for care. It must be considered that those who are placed under the necessity of judging in their own cause must hold themselves to a very strict account, because the temptation to incline to the policy dictated by self-interest or ambition is stronger with them than with those who have to pass judgement upon the acts of others.

Accordingly, Christian thinkers have laid down a right intention as the third condition necessary to ensure that a war is of such a character that a Christian may without violation of his principles engage himself therein. A right intention—the words at once bring to the mind the conception of an action to which a moral character is attached. We feel that we are moving, not in the world of instinct or brute force, but in the higher realms where conduct is determined by great laws of right and wrong, where men must rise superior to the mere consultation of their own interests and the gratification of their own desires, and must prefer justice to all else. Regarding war, therefore, as a moral act, Christian thinkers have further defined it as an execution of judgement upon the guilty, as the means whereby, in this imperfect world, the peace which has been broken by injustice may be restored and maintained. Were there no injustice, were the hearts of the congregation of mankind truly set upon righteousness, war would disappear, as capital punishment would be extinguished automatically were there no crimes committed

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worthy of death. War is waged to promote good or to avoid evil, and to re-establish peace upon a just footing.

The limitation of the definition of just wars to those which are waged with a right intention enables us immediately to characterize as unjust and wicked many wars in European history, and to say that had the nations which declared those wars been guided by the teaching of Christ they would not have engaged in them, and mankind would have been saved from untold suffering and loss. Wars are condemned the motives of which are those of the thief—waged merely through covetousness of something that is our neighbour's—whether his family life, his territory, his subjects, his streams, his woods, his coal, his iron, or anything that rightfully is his. Wars are condemned which are waged from motives of cruelty, of vengeance, or of hatred—the motives of the savage who loves to torture those weaker than himself, to wreak his animal lust for blood upon his enemies, and to pursue what may have begun as righteous punishment beyond all bounds of fitness and of justice; the motives of those who judge all men by themselves and in accordance with their own taste or fancy, and pursue a man, not because he has done wrong to them or anyone, but because they do not like him and are offended at his mere existence. Wars are condemned which are waged merely for the love of power—the motive of the civilized but godless man—able, richly gifted, matching his ability with his unscrupulousness, trying to bend all things, human and Divine, to his service,

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obedient, and that only with rebellious hate, to death alone.

It is not as a thief, as a savage, as a super-man, that the Christian takes the sword of justice in his hand, but as a minister of God called to execute judgement and righteousness upon them that do wrong. The objects of Christian warfare are therefore strictly limited. There must be in the heart of the sovereign power waging just war such a passionate love of justice that he makes plain a readiness to cease war should just and adequate satisfaction be offered by the offender. But even should the wrong-doer make no offer of reparation, the Christian warrior is bound to be ready to cease war when justice has been satisfied, when he has inflicted punishment proportioned to the wrong, and is in a position to prevent at any rate an immediate repetition of the crime.

This readiness to stop when satisfaction is offered or justice done is the touchstone of the motives of the belligerent. Contrary conduct at once exposes a wrong motive in his heart. Should he refuse to stop when just reparation is offered, or should he attempt, when victorious, to subjugate or to exterminate the nation opposed to him, he shows at once that he is animated by no love of justice, but by cupidity, by hatred, or by ambition. It is clear, therefore, that a sovereign power cannot rest satisfied with the thought that it entered upon a just war, but must ceaselessly scrutinize its motives in pursuing the war, lest that which began in justice should continue beyond the demands of justice and end in ungodliness. The

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Collect of the Church puts this clearly before us, in which we pray that by God's gracious favour and help we may glorify His holy Name in all our works begun, continued, and ended in Him. The sovereign power engaged in a just war must endeavour always not only to begin but also to continue and to end in God's grace. The moment, therefore, that a just and durable peace is possible the Christian state is bound to stop the war.

There is, indeed, one case in which, choosing the lesser of two evils, a Christian state should not go to war, but should endure injustice. War is waged to win a durable peace, and no peace is right which is not also just. But suppose that a sovereign power has unjustly invaded and occupied a town or border territory belonging to its neighbour, and that the invaded power perceives that an attempt to recover its lost possession would only involve it in prolonged, even if successful, strife, then it is bound to acquiesce in the loss and bear the injustice, rather than plunge two countries into endless and ever-increasingly bitter struggles.

The war was begun by the Allies and the Americans indisputably as a just war and has been so continued and ended. And it may well be that it was prolonged so far in order that the sovereign powers of the world might have an opportunity of redressing the injustices which have been committed, but acquiesced in as lesser evils, ever since the capture of Constantinople by the infidels in 1453, and the Pope's division of the New World between Portugal and Spain in 1493.

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That this doctrine of the necessity of a right intention in those engaging in a just war could be extended to the members of a League of Nations is plain upon a short consideration. For in such a society of nations, where no war at all is allowed except to enforce the decision of the judicial superior upon a recalcitrant offender, the question of motive becomes rather a question of the will to fulfil an unpleasant duty than one in which men have to be stern in their repression of the suggestions of self-interest or vengeance. No one can for a moment conceive that the common hangman is spurred on to his grim task by such motives of ambition or hatred as too frequently animate the murderer. And there is no less difference between just and unjust war than between murder and capital punishment. The more rigorously the use of the sword of justice can be confined to the execution of judicial purposes, the less frequently will it have to be drawn. None of the nations of a League (always supposing them to be loyal heart and soul to the spirit as well as to the letter of their agreement) could have any motive in pursuing a war (and the declaration of war would not rest with them) beyond the execution of the sentence passed by the superior court of justice of the League.

II. A HOLY WAR

So far war has been considered as an act of justice between sovereign independent states. But there was another kind of war in which, according to the teaching of the Church, Christians might engage, not only

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without sin, but with merit. This was the holy war, waged not between states nor necessarily against states, but by Christians against those who threatened the safety of the Church and Christendom.

For us the importance of the idea of a holy war lies not so much in what it accomplished in Europe and in the Holy Land, as in the conception of the possibility of men acting together on a great scale, not as members of a secular state, but as members of an organization of greater extent and with superior claims, the Catholic Church. Nor must we lose sight of the fact that this war was used to suppress attacks upon the great body of Christian truth, and not, as a just war, only to resist and punish breaches of justice. That such a use of force should be possible shows a recognition of the principle, to which Europe will probably return before long, that conduct ultimately depends, not upon law and custom, but upon ideas. If this be so, the truth or falsity of any complex of ideas is a matter of public concern.

The Canonists of the Middle Ages distinguish four degrees or stages of a holy war—recourse to the secular arm; exposure to occupation; initiation and direction of a war; proclamation of a crusade.

1. *Recourse to the Secular Arm.*—On learning of any dangerous heresy the Church must require and admonish the temporal ruler of the people affected to purge his territory within a year. Writing to Germanus, Pope Gregory IX. (1227-1241) said: "Both the swords belong to the Church, but one should be wielded by the Church; the other for the Church by

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the arm of the secular power; the one by the priest, the other by the soldier when required by the priest.”¹ There was some difference of opinion between those who opposed and those who upheld the temporal power of the Papacy as to whether the Pope was obliged to have recourse to the secular arm before organizing a holy war himself. But the habitual practice of the Popes was to do so, and there was no doubt that any ruler so called upon (and especially the Emperor) was not at liberty to divest himself of the obligation, under penalty of excommunication and of being classed with the heretics whom he had refused to suppress.

2. *Exposure to Occupation.*—If the temporal ruler failed within a year to obey the bidding of the Church to purge his lands of heresy, the Pope might proceed to excommunicate him, to declare his subjects absolved from their oath of fealty, and to throw his lands open to occupation by any orthodox Christians who would undertake to “exterminate” the heresy.

3. *Initiation and Direction of a War.*—There is a distinction between an invitation to loyal Christians to occupy the lands of a heretic and the actual organization of a war. There was some confusion of thought amongst the Canonists on this point, and also on the question whether all Bishops with temporal power, or the Pope alone, could declare war against the enemies of the Church. But, however the theory may have been debated, the initiation and direction of

¹ See Appendix E, Extract II.

² See Appendix E, Extract I.

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a war involved the Church more deeply in responsibility than mere exposure to occupation. A Papal Legate was appointed to direct the war, and soldiers were enlisted in the name of the Church. The aim of the war was to replace heretical subjects by orthodox men, who succeeded to the rights and duties of those who were dispossessed.

4. *Proclamation of a Crusade.*— It was generally agreed from the time of Pope Innocent III. (1198-1216) onwards that the power of proclaiming a crusade against infidels or heretics was confined to the Pope, and this on three grounds: (1) That he alone had the power to grant the indulgences which so great an expedition required; (2) that to him alone did it pertain to answer for the Faith against attacks; (3) that to him pertains the *Votum Crucis*, or vow of the Cross.¹ There was at one time an opinion that the metropolitan of a province, assisted by his provincial council, had the power to proclaim a crusade; but as the power of the Papacy grew, provincial independence waned.

The right of the Church to wage war against her enemies in these four ways was advocated and defended by the Canonists upon scriptural and patristic texts which spoke of God's vengeance upon His enemies, and also upon the lines of argument regarding a just war developed by S. Augustine, Gratian, and S. Thomas Aquinas. From this point of view the right of the Church to wage war is based upon her right to punish sinners and wrong-doers in

¹ See Appendix E, Extract III.

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the name of God. In undertaking such a task the Church is executing Divine justice. There was a third line of argument, which must be mentioned—viz., that the right of jurisdiction gave the Church the right to wage war independently. It must be remembered that in the Middle Ages, when this theory was elaborated, the prelates of the Church had considerable temporal power as secular barons. The Pope had no superior to whom he could appeal for justice when wronged; his sovereignty was therefore in general incontestable. In cases of great danger he could proclaim a crusade. Bishops who had temporal jurisdiction could make war like temporal rulers of their own standing, who owed feudal service to their suzerain, and must defend their vassals. A later extension of the theory gave to ecclesiastical judges delegate the right to pronounce the sentence of exposure to occupation.

The Causes of a Holy War.—There was considerable confusion about the causes for which a holy war might be declared, but a modern writer¹ has divided them into three classes: (1) Attacks on the Faith and unity of the Church; (2) attacks on the sovereignty and property of the Church; (3) grave cases of injustice. In the first class would be included wars against infidels (*bellum Romanum*, the Roman war—a title reminiscent of the wars of the Roman Empire against the barbarians), the most familiar examples

¹ H. Pissard, *La Guerre Sainte*, Paris, 1912, p. 87. From this book the main facts relating to this subject are derived.

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of which are the Crusades against the Saracens in the Holy Land ; and also the wars against heretics, as, for example, the Albigenses. In the second class are wars to defend the patrimony of S. Peter (*i.e.*, the Papal possessions in Italy), kingdoms such as England (after John's submission) and Sicily, which were subject to the Pope, and wars to punish rebellious subjects. The inclusion of grave cases of injustice as legitimate causes of a holy war practically made the Pope, as representing the Church, the moral censor and justiciar of Europe.

It is not necessary here to follow out the intricacies of these theories, which no doubt had their part in bringing about both the Bull *Unam Sanctam* and the downfall of the power of the Papacy over Europe in the sixteenth century ; nor to consider how far the Popes thought it wise or expedient to put into practice the powers which their supporters attributed to them. The value of these ideas for the present times lies rather in the fact that the civilized world appears to be turning to the thought of the creation of a greater unit of corporate life and action than the state. The Hildebrandine ideal of the Church as a kind of militant republic including within its bounds all Christian nations is still full of vitality. But its literal fulfilment would require the reunion of the separated portions of the Church and a very great weakening of the spirit of nationalism. There are indications of tendencies towards both these, but the world, now Christian only in part, cannot wait till they are consummated, and, even if they were, would

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not endure Christian authority and rule. But the fact that so great a conception, though imposed from above, so nearly attained success gives good hope that a similar ideal, maintained by the willing co-operation of the nations of the world, may lead to the rule of justice and peace in international affairs.

III.

WHAT HAS THE CHURCH DONE TO RESTRAIN WAR?

So far the development of a Christian philosophy of war has been considered as a series of ideas grouped round the central concept of war as an act of justice of similar character to the enforcement of judicial decisions in the law-courts. Some account must now be given of the practical measures to restrain war by which (other than by influencing the consciences of rulers) the Church tried to promote justice and peace.

During the irruptions of the barbarians into Europe Christian and Roman civilization suffered a grievous set-back, and it was not until the ninth and tenth centuries that the Church had again an opportunity of exercising much influence over communities and states. And even then her Bishops and leaders were chosen from the class of the landed nobles, conspicuous for their political power rather than for Christian learning. Moreover, the power of the central government was too feeble at this time to maintain order and enforce justice. Disputes between great landowners were settled by private war and not by appeal to an inefficient King. The sword seemed to be supreme, checked neither by Church nor state. Men gave rein to their ambitions and passions, so that the greater part of Europe was in a state of anarchy.

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But in the year 996 Robert the Pious became King of France, and ruled until 1031. Under his wise governance there was a renaissance of learning in the French Church. He chose his Bishops, not from the classes whose interests lay in maintaining disorder and a feeble central government, but chiefly from the monks of Cluny, brought up to love peace and to stifle ambition and passion. Moreover, in Cluny and other monasteries the teaching of the Christian Fathers, and especially S. Augustine, had been preserved, if not practised. These Cluniac Bishops, who occupied sees in the North-East of France, where, strangely enough, nine hundred years later, their teaching has been, perhaps for ever, vindicated by the arms of the Allies, brought a fresh breath of knowledge and doctrine into the Church life of the time. The fruit of their teaching was a movement against anarchy and war. It would be difficult to overrate the importance of the fact that this movement had its origin in the Church. It was not inspired by materialistic pacifists who prefer peace to justice and freedom and thus sap the foundations of civilization, making peace impossible. It did not spring from a war-weariness, which is not a sufficiently strong motive to influence by tradition those who have never experienced it. It was not based on expediency or self-interest, which in other circumstances move men equally powerfully towards bloodshed and war. But it was firmly based on the Christian doctrine that the sword may be rightly drawn in defence of righteousness and justice, but that no Christian may wield it for the furtherance of

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personal ambition or the gratification of passion, nor, indeed, at any time unless he cannot otherwise obtain justice. The French Church, under the leadership of these Bishops, initiated and developed two institutions in restraint of the belligerency of the feudal nobles—the *Pax Dei* and the *Treuga Dei*.

PAX DEI

The usual method by which the Church in those days sought to ensure observation of its decisions was by pronouncing an anathema against those who disobeyed. If, as in the case of unruly nobles who paid no attention to the anathema, this was not sufficient, an interdict which forbade public worship was laid upon their lands.

Experience proved that even this was not an efficient sanction, for the punishment fell most heavily, not on the guilty, who cared nothing for it, but on their innocent people. Hence arose Leagues for Peace, at Poitiers in the year 1000, at Verdun in 1016, and at Bourges in 1031. The idea was taken up enthusiastically, and the leagues spread over Northern France and even into Germany. From 1030 onwards the King of France, the Emperor of Germany, and the Pope, were active in their support. The leagues were inspired by a Christian love of justice and of peace. They relied upon the two institutions which in our own days are being discussed for a League of Nations: (1) Arbitration courts to which members of the League who had a dispute might appeal for justice; (2) a military force to compel recalcitrant

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members to obey the decisions of the court. This force was maintained by the contributions of the constituent members. The oath¹ which the members took ran as follows :

"I, —, member of the League of Peace, swear on the holy Gospels of God to keep the peace faithfully, and to preserve in good faith all that concerns the peace; and I promise to be faithful to the peace in all things, and in all that is comprised in the peace: I will not spoil, attack, or condemn anyone in hate or self-interest; and so long as he is my man, I will protect each man's right. . . ."²

TREUGA DEI

At the same time that the Leagues of Peace were trying to reduce the number of occasions on which Christians might legitimately go to war, an attempt was made to reduce the length of the actual period during which fighting might take place. In 1027 the Council of Elne decreed that no one might make an attack from nine o'clock on Saturday till early on Monday morning. The Truce of God rapidly became popular, and spread over France and Germany. In 1085 the Emperor Henry IV. issued a decree³ by which the Truce of God was extended to include the periods from the beginning of Advent to the Octave of Epiphany, from Septuagesima to the Octave of Pentecost (*i.e.*, from about the beginning of December

¹ See Appendix F for another and longer form of oath.

² *L'Eglise et La Guerre*, vii., p. 7.

³ See Appendix G.

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until some time in May, with a short interval of a few weeks in January); Thursday, Friday, Saturday, Sunday, until sunrise on Monday every week (*i.e.*, leaving only Monday, Tuesday, Wednesday each week for fighting); Ember Days; all Festivals, with their Eves, and Fasts. The exceptions to the general prohibition to bear arms during these periods illustrate with great clearness the Christian doctrine of war as a judicial process. Travellers going a long distance might carry arms for self-defence on the journey, but were to lay them aside on their return. Besiegers might drive back a sally from a castle, but might not themselves make an attack (*i.e.*, their observation of the Truce was not to prejudice their position as to besieged persons who did not observe it).

If the Emperor publicly ordered an expedition against the enemies of the realm, or held a council to judge the enemies of justice, the Peace did not bind those thus summoned to serve their country. The lawful exercise of judgement over thieves and robbers was no violation of the Peace, and, indeed, robbers and plunderers were excepted from its provisions. Non-combatants, such as merchants, farmers, and agricultural labourers, women, and those ordained to holy orders, were to enjoy continual peace. Breach of the Peace was punished by excommunication. Briefly, the Christian as a private citizen is permitted the use of force in self-defence, and as a servant of the state against those who violate justice. No Christian may attack a non-combatant. Unfortunately, Henry IV.'s power was never so great as to enable him to put this

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admirable *Treuga Dei* into force. It remains on record as a warning to those whose powers of conception outrun their practical ability to put their schemes into force or to persuade offenders of their injustice.

The Emperor Frederick Barbarossa issued a somewhat similar document¹ between 1152 and 1157, which provided, amongst other things, for the punishment by death of those who, not of necessity, but voluntarily, slew others (§ 1); for punishment for assault (§§ 2, 3, 4); for extradition of violators of the peace (§ 5); for punishment for illegally bearing arms (§ 12); for permission to bear arms in self-defence (§ 13). Breach of the Peace was punished by death, mutilation, confiscation, or fine.

The Truce of God thus gradually developed into the King's Peace, and, as the central government grew stronger, became the recognized condition of life within a civilized state. The necessity for private Leagues of Peace and for religious sanctions disappeared, and public opinion came in time to honour the settlement of disputes in accordance with justice in the law-courts more highly than by the vacillating verdicts of force and violence on the field of battle.

Finally, S. Thomas Aquinas, in his *Summa Theologica*,² asked whether it was legitimate to fight on feast-days, and answered the question by saying that as a doctor might exercise his healing ministry on all days, so the healthful condition of the state might be preserved, if necessity arose, by waging just wars on feast-days; adding that if anyone in the face of such

¹ See Appendix H.

² See Appendix J.

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necessity refused to fight on feast-days he would be tempting God ; but that as soon as the necessity ceased, so should the fighting.

THE THIRD ORDER OF S. FRANCIS OF ASSISI

But the day of non-secular organizations for peace was not yet quite over, and amongst them mention must be made of the Third Order of S. Francis of Assisi. The members were persons living in the world, who pursued their ordinary callings, but undertook to observe a special rule of life. They were pledged to maintain peace in their homes and their towns, to be reconciled with their adversaries, to make their wills, not to go to law, not to take the oath of fealty except for such grave reasons as the re-establishment of a just peace, not to bear arms except (according to their Rule, sanctioned by Pope Nicholas IV. in 1289) for the defence of the Church, the Christian faith, or their country.

This and similar organizations, such as the Humiliati, the Poor Catholics, and S. Dominic's Militia of Jesus Christ, while, like many private societies, they had a great following and influence for a time, were bound in the long-run to succumb before the two great organs of corporate life and action, the Church and the state, which claim men's devotion, service, and obedience as no other bodies ever can. Their value, however, is by no means to be estimated by the length of their existence. That such organizations could spring voluntarily into being, uphold such high ideals of justice and peace, and appeal so strongly

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to the idealism of the mediæval mind, could not but be regarded as evidence of great support ready to be given to those who in Church or state attempted to inculcate Christian citizenship.

CHRISTIAN CHIVALRY

It was not only from below that the Christian ferment worked. The Church attempted to penetrate the feudal nobility of the Middle Ages with Christian ideals of justice and love of peace. She called also into being the Military Orders of Knights to be the defence of Christian civilization against the Moors in Spain, the Turks in South-Eastern Europe, and to rescue and rule the Holy Land itself. She inspired the Crusades, thus blessing militant Christianity and showing feudal barons a more excellent way of employing their military skill than in battering down one another's castles and driving off stolen cattle. The knight was always to respect those who were weak, and to be their defender. He was to be the champion of justice and truth against the unjust and the wicked. The words of blessing pronounced over the sword of the new knight make this clear. They occur in the Pontifical of William Durandus,¹ written during the second half of the thirteenth century :

“ Bless this sword, that Thy servant may be able to be the defender of churches, of widows, of orphans, and of all those who love God, against the cruelty of heretics and pagans.

¹ *L'Église et La Guerre*, vii., p. 12.

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"O holy God, almighty Father, God eternal, who alone orderest all things, and disposest them as is right; in order that justice may have a support here below, that the fury of evil-doers may be restrained, for these two causes alone Thou hast allowed by a salutary disposition that men on earth may use the sword, and for the protection of the people Thou hast permitted the institution of chivalry. . . .

"Behold Thy servant, newly made a knight; send him from heaven above the strength and courage which he needs for the defence of Faith and Justice . . . and so further him with Thy grace that with this sword he may never strike unjustly, and that with it he may defend all that is just and all that is right."

Thus the Church sought to permeate European civilization with the spirit of Christianity, on the one hand restraining injustice and wickedness, and on the other urging men on to the defence of the truth against anarchy and barbarism.

THE RIGHT OF SANCTUARY

The right of sanctuary was a means of restricting bloodshed, for it ensured that (where it was observed) an interval (the length of which depended on the endurance of the criminal) intervened before he fell into the hands of his pursuers, whose hot temper would meanwhile cool. The right extended over all consecrated ground and buildings—that is, in general, to churches, churchyards, and monasteries. Any robber or thief might flee there, and his pursuers might not seize him, but must wait until hunger forced

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him to surrender. No one must supply him with weapons, food, or means of escape. In Henry IV.'s Truce of God this right is sanctioned and regulated.

RESTRICTIONS ON WEAPONS

The mediæval Church attempted, but without much success, to limit the kinds of weapons which Christian soldiers might use to those which gave the advantage to the skilful and the brave. Innocent II. (1130-1143) held a council at Rome in 1139 which forbade the use of cross-bows, arrows, and poisoned darts. It was regarded as unjust that a coward hiding behind a tree with one of these weapons should have a greater chance of victory than a brave soldier advancing in the open with only a sword or a spear. The prohibition of certain weapons (*e.g.*, explosive bullets) has been agreed upon by the Hague Convention, but for a different reason, that, though they inflict far more suffering than ordinary bullets, no military advantage is gained by their employment.

THE PAPACY

The Church, most democratic of organizations, attempted during the Middle Ages to form Europe into a Christian republic, the elected head of which was the Pope. The part which the Pope played in European politics was a great one, and one which, so long as he spoke for the whole of Western Christendom, gave him immeasurable influence for good over bellicose rulers. A brief examination of the pacific work

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of one Pope in Europe, and a short recital of the way in which the Papacy exercised its influence in this respect on one country, England, will suffice to give some conception of the power of the Hildebrandine ideals both on the Papacy itself and on the mediæval secular states.

INNOCENT III. AND EUROPEAN PEACE AND WAR

The career of Pope Innocent III. (1198-1216) illustrates well the influence of the Papacy upon the international relationships of Europe. In 1199, by threats of interdict and excommunication, Innocent forced Philip Augustus, King of France, and Richard Cœur de Lion to conclude a truce for five years. On the death of Richard a few months later the French King declared himself free from his oath and began to wage war on King John, who appealed to the Pope to intervene. Innocent thereupon wrote to both Kings to persuade them to submit their dispute to an assembly of Bishops and magnates who should decide the conditions of peace. Philip Augustus disregarded this appeal, and continued the war. In 1204, therefore, Innocent again wrote to the King of France, the King of England, and the French clergy, ingeminating peace. His letter¹ to Philip is worth quoting :

“As your royal highness is not unaware that with us there should be no acceptance of persons, we believe you will not bear it grudgingly if we carry out our pastoral duty towards you. . . . We are bound to preach the good tidings of peace to the sons of peace,

¹ See Appendix K, Extract I.

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especially that according to the word of the Gospel our peace may rest upon them, since according to the Prophet we are bound to seek peace and ensue it. . . . For you, who have read it in the book of daily experience, know how the quarrel which has arisen between you and our beloved son in Christ, John, the illustrious King of the English, has brought great evils not only upon both your kingdoms, but generally upon all Christian people. For see how while you are fighting churches are destroyed, rich men are made poor, poor men are oppressed, and no consideration is shown either to religion or sex. . . . The Saracens, too, who when you two were at peace feared that they would be driven away, have plucked up their courage at your quarrel and take the field with renewed bravery to destroy the Christians, especially as the French nobles . . . have, contrary to our prohibition, turned their arms against Christians. . . . Lest, therefore, we should seem, like dumb dogs that cannot bark, to be silent in this great necessity of Christian people, we send to you . . . the Abbot of Casemarius . . . begging your highness, and exhorting you in the Lord, and bidding you for the remission of your sins . . . either to make a firm peace with the aforesaid King or to enter upon a fitting truce, that meantime the Abbot may be able with the greater freedom and security to conduct negotiations for a perpetual peace between you, paying due regard to justice upon both sides."

This letter failed to have the effect desired, as the French Bishops wrote to the Pope saying that the

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dignity of their King would be affronted by submission to his arbitration. Innocent therefore wrote another letter¹ to them in which he dealt with their objections to his claim to arbitrate, and set forth the grounds on which he considered the Papal position should be maintained.

“Let no one think” (he writes) “that we mean to upset or diminish the jurisdiction of the King of the Franks, as he, in turn, neither wishes, nor ought, to hinder ours. And as we are unable to exercise our own jurisdiction to the full, why should we desire to usurp another’s? But as the Lord said in the Gospel (Matt. xviii. 15-18), ‘But if thy brother shall sin against thee . . . tell it to the Church . . .’; and as the King of the English asserts that he is ready to demonstrate that the King of the Franks sins against him, and that he tried to proceed to his correction according to the Gospel rule, but that, being unsuccessful, he told it to the Church, how could we, who are called to rule the Church universal by supreme power, fail to listen to the Divine command and refrain from following its direction, unless the King of the Franks should show sufficient reason to the contrary before us or our Legate? For we do not intend to give judgement about the fief, the judgement of which matter rests with him . . . but to decide about the wrong-doing, for which the right of censure undoubtedly pertains to us, which censure we can and must exercise over anybody. The King, therefore, should not think it unbecoming to his royal dignity to

¹ See Appendix K, Extract II.

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submit himself in this affair to our apostolic judgement. . . . Our power is not of man, but of God. No person in his senses is ignorant that it is our duty to rebuke any Christian for mortal sin, and if he condemn our correction, to compel him by ecclesiastical discipline. . . . But perhaps it will be said that Kings must be treated differently from other people. We know, however, that it is written in the Divine law, 'Thou shalt judge the great as the small, nor shall there be with thee acceptance of persons. . . .' There is no doubt that we have power to proceed in this way against every grave sin, in order that we may recall the sinner from vice to virtue, from error to truth, especially when the sin is one against peace, 'which is the bond of love.' . . . Further, since whatever law a man has legitimately employed against his adversary, another may use against him, . . . and since the King of the Franks made use in war of our office and mediation against Richard, late King of the English, how does he not admit for another against himself that which he admitted for himself against another? Must there be with us weight and weight, measure and measure, both of which are abominable in God's sight? Lastly, since a treaty of peace made between the two Kings and confirmed on both sides by an appropriate oath had not been observed until the appointed date, must we not be able to take cognizance of the sacred nature of an oath—a function which without doubt pertains to the Church—in order that the broken treaty may be repaired? Lest, therefore, we should seem disguisedly to favour so great a breach of peace, to hush up the

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destruction of monasteries, to disregard the slaughter of the Christian populace, we gave directions to our dear son, the Abbot of Casemarius, our aforementioned Legate, that he should not omit to proceed according to the form we gave him unless the King should make a firm peace with the aforementioned King, or enter upon a fitting truce, or should humbly permit the Abbot and our venerable brother the Archbishop of Bordeaux to find out clearly whether the complaint of the King of the English against him were just, or whether his objection to that (which he has thought right to express to us in his letters against him) were legitimate. And so by the apostolic writings we command you all, strictly enjoining you, in virtue of your obedience, after the Abbot has executed this apostolic command, to receive his sentence, which indeed is rather ours, with humility, and both to keep it yourselves, and see that others observe it; in the assurance that if you fail in this we shall punish your disobedience."

The importance of this letter, which unfortunately failed altogether to attain its immediate aim, lies in the comprehensive statement of the Pope's claims to act as arbitrator even in international affairs.

He admits without question the sovereign rights of feudal jurisdiction possessed by the French King, and emphatically declares that as the King ought not to interfere with the Papal jurisdiction, so he does not desire or intend to upset the King's by delivering judgement concerning the fief in dispute. But he is bound to obey the Gospel rule according to which the

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King of England has appealed to him, and cannot forgo the right of the Church to take cognizance of breaches of the Christian law. History showed that the admission of this claim was nothing of which the French King need be ashamed on the score of loss of dignity. And sins against peace were the gravest for which the Pope must censure offenders, including even Kings. Besides, what King John was doing now, the French King had himself done against King Richard, and surely he could not justly complain if the legitimate means by which he had proceeded against another in the past were now employed against himself. Finally, there was no doubt that a treaty had been made between the two Kings, and confirmed by oaths; that the treaty, and with it the oaths, had been broken; and that any question of the violation of an oath came undoubtedly within the spiritual jurisdiction of the Church. For all these reasons the Pope felt that he could not withdraw his claims to act as arbitrator in the matter, and called upon the French Bishops to accept whatever award the Legate should make.

In this question of the Papal right of arbitration is seen again, as in the more limited case of the *Treuga Dei*, that the Church's attempt to settle international disputes without recourse to war is based primarily upon a moral ground—that of sin and of breach of moral law—which raises it at once to a higher level than attempts inspired by self-interest, expediency, or the relative strength of the disputants. The failure of such an attempt, however much regretted, was perhaps

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only to be expected when we consider the inadequate technical equipment of the Papacy for what was, after all, a by-work, and the emergence as a decisive factor in European politics of a patriotism founded upon national pride and consciousness of strength, rather than upon a sense of vocation and a recognition of responsibility.

As an arbitrator Innocent exercised a widespread influence in Europe, and it is recorded that he acted in that capacity in Portugal, in Aragon, in Poland, in Armenia, in Bulgaria, in Serbia, in Suabia, and in Brunswick.

He kept a tight rein upon the Crusaders as they marched eastwards, trying to prevent them from entering unjustly upon hostilities against Constantinople. Writing to them, he says: "We inhibit you under pain of excommunication from invading the lands of Christians or damaging them unless they themselves wrongfully bar your way or some other just and necessary reason unexpectedly occur."

He attempted also to stop a war from which the right intention had disappeared, and which had become a war of ambition and conquest. Though his whole policy with regard to the Albigenses has been called in question, it must be admitted that for a long time he acted in the spirit of conciliation towards people whose opinions, if put into practice, would have upset the social economy of the time. It was only when an official of the Count of Toulouse murdered his Legate that he preached a Crusade against them. He called to his aid the feudal barons of the

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North of France. But the gross excesses of these Crusaders, and the ambitious designs of Simon de Montfort, who aimed at depriving even the heirs of Raymond VI. of Toulouse of their inheritance, made him see in 1210 that the intention with which the war was being waged was no longer to attain a just and durable peace, but to scheme for power and conquer fresh territory. He attempted, therefore, to bring the Crusade to a close. But he found it easier to rouse than to still the storm of war. It was not till 1213 that he was able to write to the Archbishop of Narbonne, who, with Simon de Montfort, was in charge of the Crusade, in these words :

“Foxes were destroying the Lord’s vineyard in Languedoc, but they have been captured. By the grace of God and by the virtue of military operations the affair of the Faith has ended in these districts in success . . . we beg you to arrange with the King of Aragon and with the Counts, barons, and other persons whose help seems necessary to you, to hasten meetings for concluding a truce of peace. Be zealous in pacifying the whole of Languedoc; cease stirring up the Christian people to war against heresy. . . .”

To Simon de Montfort he wrote in stronger terms :

“The forces of the Crusade you have used to spill the blood of the just and to damage the innocent. To the detriment of the King of Aragon, you have possessed yourself of the lands of his vassals, the Count of Comminges and the Viscount of Béarn, though there are no heretics in their dominions. . . . We beg you to restore these lands to the King of Aragon and

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his vassals. It is not right that in illegally detaining what belongs to them you should appear to have served your own private interests and not the general cause of the Church and of religion."

In another letter he wrote :

"It is true he [the Count of Toulouse] is guilty, but justice demands that a man should only be punished for the faults which he has committed, and that the punishment should be proportioned to the crime."

And he did his best to preserve some vestige of independence to the conquered Count.

THE PAPACY AND ENGLAND'S WAR AND PEACE

The interventions of the Papacy in English history from the eleventh century onwards began with Harold. On the ground that he had broken his oath to William of Normandy and had no right to the Kingdom he was excommunicated by Alexander II. (1061-1073), on the advice of Hildebrand. The Pope sent the Duke a sacred standard and blessed his expedition to the shores of England, as that of an outraged heir setting out to take up his heritage. Gregory VII. (Hildebrand, Pope 1073-1085) tried to prevent Philip I. of France from fighting against William the Conqueror. Innocent II. (1130-1143) recognized Stephen's claim to the throne as against Matilda, and attempted to arbitrate between England and Scotland. Alexander III. (1159-1181) and Celestine III. (1191-1198) attempted to make peace between England and France. Clement III. (1187-1191) in 1189 attempted to reconcile the Kings of France and England, so that they might

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take part in the Third Crusade. His appeal was even taken up by the popular poet, Pons de Capdeuil: "King of France, King of England, make your peace with one another, and he who first consents to this shall have the higher honour in the eyes of the Eternal." As a result of Clement's appeal, Richard asked Philip to meet him, and an agreement was reached to make peace and set out on the Crusade in the spring of 1190. The activity of Innocent III. (1198-1216) in the reign of King John has been already mentioned. Boniface VIII. (1294-1303) ordered Philip the Fair of France to observe the truce which he had made with England, and made peace between England and Scotland.

Many Popes tried to end the Hundred Years' War between the French and the English—Benedict XII. (1334-1342), Clement VI. (1342-1352), Innocent VI. (1352-1362), Urban V. (1362-1370), and Gregory XI. (1370-1378). Martin V. (1417-1431) from the time of his election was especially eager for peace. In 1418, 1419, 1420, and again after the death of Henry V., in 1425 and 1430, he offered to mediate between England, France, and Burgundy. Nicholas V. (1447-1455) desired England and France to compose their differences and join in fighting the Turks, then at the gates of Constantinople, and in 1455 Calixtus III. (1455-1458) acted as mediator between France and England. Pius II. (Æneas Silvius, Pope 1458-1464) tried to arrange a conference between English and French representatives to settle outstanding questions of dispute.

Whatever difference of opinion there may be as to

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the knowledge of politics and the wisdom of action which the mediæval Popes displayed in their intervention between states as arbitrators or mediators, there must be general agreement that they were inspired by a deep-seated love of peace and justice, and by a sense of their duty to uphold a high standard of international morality. It was an ungrateful task to mediate between passionate and ambitious rulers, a task rendered no less difficult by the fact that it lay, strictly speaking, outside the commission of the Papacy, and involved it in forming judgements for which it was ill-equipped.

These details of the attempts of the Church in the Middle Ages to restrain war, to limit its legitimate occasions, its motives, its duration, and its weapons, have been thus dwelt upon because they illustrate those ideals of mediæval life to which at length the world is gradually returning, and without which the European character must deteriorate. They are well summed up in an eloquent passage by a modern historian :¹

“ A matter-of-fact prosperity is not altogether preferable to enlistment in the forlorn hope of idealism. Had mediæval society been more consistently secular and sceptical, it might have been more prosperous, more stable, the nursery of more balanced natures, and the theatre of more orderly careers. But there would have been the less to learn from the ethical and political conceptions of the age. What appeals to us

¹ H. W. C. Davis, *Mediæval Europe*, Home University Library, p. 154.

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in the mediæval outlook upon life is, first, the idea of mankind as a brotherhood transcending racial and political divisions, united in a common quest for truth, filled with the spirit of mutual charity and mutual helpfulness, and endowed with a higher will and wisdom than that of the individuals who belong to it; secondly, a profound belief in the superiority of right over might, of spirit over matter, of the eternal interests of humanity over the ambitions and the passions of the passing hour. Without Christianity these articles of faith would scarcely have passed into the common heritage of men; and without the Church it is in the last degree improbable that Christianity would have survived that age of semi-barbarism in which the foundations of the modern world were laid."

These two great ideas, the brotherhood of man in common sonship of the Father, and the search first of all for the Kingdom of God and His righteousness, are the true bases of any League of Nations which aspires to resist the attacks of the self-interest of classes or nations, of selfishness, injustice, and languor.

IV.

HOW CAN THE CHURCH HELP FORWARD THE LEAGUE OF NATIONS?

AT the present time there is a more deeply rooted and widespread desire to stop war for always than perhaps has ever before found a place in men's hearts. It is not necessary to search for the motives which have given rise to this wish beyond the obvious reaction against the horrors and losses of war, and a feeling of anger against the rulers and peoples whose consistent policy has brought about so much suffering and pain. It is, indeed, doubtful whether this motive will appreciably influence the generation during the last thirty years of this, the twentieth century. For the mass of European people were not influenced from 1870 onwards by the horrors and losses of the Napoleonic Wars. Nor do we find, looking farther back into European history, that mere disgust of war has been so powerful a motive as to affect much more than, if indeed so much as, the immediate generation of the sufferers. This war, it is true, has involved more men, more peoples, greater material loss and destruction, than any previous conflict. But unless this generation can so precipitate and mould its horror of war as to hand on, not a tradition of endurance merely, but, as it were, a formal consequence of that horror, the suffer-

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ings which we have endured will not deter our great-grandchildren from fighting.

It is perhaps partly the perception of this necessity of creating a standing protest against war that has led to the popular cry for a League of Nations to prevent war. And it is necessary for the Church to consider seriously whether she can in any way help forward the idea, either by giving precision to the nebulous conception of a League, or by exerting her still great influence towards its creation and permanence.

What, then, is really involved in the idea of a League of Nations, when we pass from the region of popular cries to that of practical politics? A League to prevent war would make war inevitable for ever. For it would not avail to bind the just, who value righteousness above peace; nor the unjust, who do not scruple to use might against right. There must be something more true to human nature than mere horror of war and prevention of war as the motive that creates and the object that maintains so vast a conception as a League of Nations. Some great positive good must be shown to reside in the idea before the proud nations of the world can be expected to involve themselves and their heirs in so great a sacrifice as a League demands. As a working hypothesis, a step in advance of the popular cry to prevent war, the League of Nations may be defined as a combination of states which shall agree to settle all differences without recourse to war. This definition brings before us the settlement of disputes rather than

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the prevention of war as the object of the League, and is worth a closer examination.

Our first difficulty is connected with the thought of combination. For combination of two or more hitherto antagonistic parties involves surrender by one or more of something or other which they value. In this case combination means the surrender of some part of the sovereign power of each state—viz., its prerogative of fighting out its disputes with its enemy, while other states "keep the ring," for the benefit of the whole body. The loss of this prerogative would not in practice affect all states equally. The demobilization of the Peruvian Army would mean much less to Peru and to the world than the disbanding of the British Navy would mean to the British Empire. States would be asked to give up their prerogative power to maintain peace or to go to war, from whatever motives seemed sufficient to them to justify the expenditure in men and money. And they would be asked to abandon the generally acted upon consideration that unless they deliberately bring it upon themselves they will not be interfered with by other states in the course of their own conflicts, but that, just or unjust, they may fight it out to the conclusion of an iniquitous peace which may, without hindrance from others, be dictated by a strong state, armed and evil, to a weak state, beaten but righteous.

Nor is the idea of the state itself without grave difficulties, especially at the present time. The growth of national sentiment during the last four hundred years has been so great that it is almost an accepted

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axiom at the present day that a nation is entitled to be a state—that is, to have a separate and sovereign government, independent of all external control. The Church has not yet faced the implications of this nationalism, which sprang from the breakdown of the Empire and the Papacy and from the extension of European sovereignty to other continents. We find little or no trace of it in the early and middle ages of the Christian era, as witness the writings of S. Augustine and S. Thomas Aquinas, already quoted and discussed. Nor are we altogether clear in our minds even as to what constitutes a nation. In some cases, plainly, natural geographical boundaries, in others community of race, of language, or of religion, have been such as to bind people so closely together as to constitute them a nation for practical purposes. But it is probably true that ultimately a nation is a nation because its members think so, and that sentiment, founded, perhaps, originally upon reasons which may have lost their validity in the course of time or by the alterations of circumstances, is the final and determining cause of a nation's existence. And sentiment is a difficult motive to deal with, especially when nations are to be asked to surrender their prerogative of war, which is one of the main marks of their sovereign independence.

And in this combination of states which is to agree to settle all its differences without recourse to war, are all the members to have an equal voice and authority? Men differ enormously, it is true, in strength and mental capacity, but still within limits which ensure a

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reasonable equality in political matters in the presence of large numbers, especially when they are in the same or nearly the same stage of civilization and development. But in a League of Nations there would be states differing so greatly in size and strength, in political and moral capacity and perception, that combined action, if the smaller units are to do more than float like corks down-stream, would be practically impossible.

In fact, the more the project of a League of Nations is investigated, the more difficult does it appear to be to bring it into practical existence. It would, no doubt, be easy enough to draw up a paper constitution, which might for a time deceive and satisfy those who are ignorant of public affairs, or simply cry out for a League because everybody else is doing so. But it would be worth no more than Prussia's guarantee of Belgian neutrality—an agreement kept only so long as convenient. Any League of Nations which is to be a lasting political possession for the world must be based on something more than a written agreement signed with mental reservations.

The Christian philosophy of war, as we have seen, has steadily and consistently moved towards the advocacy of reducing the number of people who may declare a just war, the number of occasions on which war may legitimately be declared, and the times during which, and the weapons with which, war might be waged. But the attempts of the Church during the Middle Ages to impose the practice of her teaching by authority on recalcitrant states met with but scanty

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success. For example, she failed in her attempt to prohibit the use of cross-bows, and to stop the Albigensian Crusade. This failure was due, amongst other reasons, to the fact that she had other work which was more properly her own, the success of which she did not wish to jeopardize by insisting on obedience in what was not her true province of authority, and partly to the fact that states found it profitable to their policies to refuse to acknowledge the limitations which she tried to impose. And what the Church could not win the assent of Europe to when she was united and strong, she could not hope to succeed in now that she is divided and nationalized, and thereby doubly weakened for her contest with an unjust state. No merely national Church could hope to stand up for long against a state which was able by studying, as the Hohenzollerns studied, the self-interest of the community and the citizens, to lure them on to condonation, and from condonation to enthusiastic support, of a policy of aggression. Moreover, the Reformation and the growth of national sentiment and commercial empire turned men's thoughts from the main lines of the traditional Christian philosophy of war, so that the investigation of international relationships fell into the hands of civil lawyers, such as Hugo Grotius, who did not belong to a great society of world-wide extent and power, but were interested rather in asserting the rights of national independence than the duties of social fellowship. There was, indeed, one Christian philosopher who glanced at the idea of the society of

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nations. In his *Laws of Ecclesiastical Polity*, Richard Hooker (1554-1600) says:

"Now, besides that law which simply concerneth men as men, and that which belongeth unto them as they are men linked with others in some form of politic society, there is a third kind of law which toucheth all such several bodies politic, so far forth as one of them hath public commerce with another. And this third is the Law of Nations. . . . Civil society doth more content the nature of man than any private kind of solitary living, because in society this good of mutual participation is so much larger than otherwise. Herewith notwithstanding we are not satisfied, but we covet (if it might be) to have a kind of society and fellowship even with all mankind. And an effect of that very natural desire in us (a manifest token that we wish after a sort an universal fellowship with all men) appeareth by the wonderful delight men have . . . to be in league of amity with them [other people]: and this not only for traffick's sake, or to the end that when many are confederated each may make other the more strong, but for such cause also as moved the Queen of Saba to visit Solomon. . . . But what matter the Law of Nations doth contain I omit to search."¹

And to this day the Church has never had the enterprise or the courage to take up the search which the judicious Hooker unhappily omitted. It may be that in the circumstances of his time and race he was right, but if the minds of Christians all the world

¹ *Ecclesiastical Polity*, I. x. 12, 13.

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over had been turned to this great problem during the last three centuries, surely they would by now have escaped from the confusion of thought which at present entangles them.

It may be due partly to our system of party government, which often makes men ignore the fact that questions of justice are involved in questions of politics; or partly to our national devotion to games, such as cricket and football, in which, so long as there is no foul play, there is no moral question at issue (and then only between the umpire or referee and the offending players), but an intense desire on both sides for victory; or it may be partly due to our individualistic industrial system, that the ordinary Christian citizen of to-day naturally assumes that the foreign policy of the state must be guided mainly, if not solely, by selfish considerations. So long as our industrial life and our political life at home and abroad are so open to the appeal of self-interest that many good men can hardly conceive of any stronger motive for their guidance, so long will a League of Nations be impossible. And here the Church's task begins to take shape and form. She must begin by leading Christians back to the thought that the state is a moral being, existing for moral purposes, and as such, and only as such, entitled to their obedience and support. She must hold up steadfastly a high ideal of citizenship to her members, and a high ideal of policy to the state. This is not the place to enter upon a discussion of the value of the so-called "establishment" of the Church in England, but this much may

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be said, that the value of that "establishment" is far greater to the state than to the Church. For the Church has in the past existed, and could again survive, not only without the approval of the state, but in spite of Imperial persecution, whereas no state could for long exist without a moral foundation, the sanctions of which must rest now in the law and teaching of Almighty God.

The questions of international politics are, ultimately and fundamentally, like all questions which involve the mediate or immediate relationship of man to man, questions which, if they are to be satisfactorily settled, must be determined by moral considerations. The Church must therefore proclaim with all her power that the problem of a League of Nations is a moral problem—a question of righteousness and justice rather than of temporary war-weariness and horror, or of self-interest and ambition. But these problems are also questions of civil government, and, as such, must in the end be decided by those to whom civil authority is entrusted, and who are responsible for the welfare of the community over which they are called to rule. Statesmen, aided by political philosophers, are the right persons to work out the solutions to the problems with which they have to deal. The Church's task is not to inform their minds but their consciences. "The Church is, as it were, the mould of justice," defining its form and its limits, and preserving in solid shape, according with the eternal laws of truth and right and faith, the fluid thought which otherwise would run to waste and miss its application.

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The modern man of European stock is crying out for an ideal of social relationship which shall give all his faculties free play, and which shall give unity to his life in every aspect. He is forced now to live inconsistently in the grip of a contradiction which demands that the loving father, who would die to save his child's life, be compelled to struggle day by day against his fellow-men for his bread, and to develop his bodily strength at the expense of his mind, and both to the starvation of his soul. Now is the time and opportunity of the Church, as never before, to commend her faith to mankind, as that by which alone men may be saved. It will only be by adopting as the ideal of man's relationship to man the Master's word—"As ye would that men should do to you, do ye also to them likewise"—that justice will be done to all men, always, and in all places.

Now, with regard to the Christian philosophy of war and its application to the idea of a League of Nations this initial difficulty must be faced, that hitherto the Church has, like an old-fashioned medical man, rather dealt with the international relationships of Europe when they are morbid than taken care to regulate them in times of peace when they may be presumed to be healthy, and when men's minds are not inflamed by national pride. She must now be careful to observe those relationships in health, so that she may the more clearly assist in their treatment when diseased. It is plain that the ideal for states as for men is to live in justice and at peace with one another, in a normally healthy activity of intercourse.

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But there is this great obstacle to the long continuance of that normal health—viz., that there exists no ready and generally applied method of settling difficulties and disputes which from time to time arise. War is recognized as unsatisfactory because it cannot be so lightly enterprised as to solve small difficulties, which therefore, left unsettled, cause lasting ill-feeling; because it entails such suffering and loss; and because there is no guarantee that the losses will be accompanied by the victory of the side on which justice lies. The first thing, therefore, which the Church must work for is a League formed on the clear understanding that it comes into existence for the promotion of exactly the same objects as those for which society exists at all, justice and peace: so that the life of states, like that of men, may be no longer in “continual fear and danger of violent death; solitary, poor, nasty, brutish, and short.”

Any League of Nations that is to be lasting must therefore be, not to prevent war, but to ensure justice.

An attempt merely to prevent war opens the way at once to a lowering of the moral standard and the spread of a materialistic pacifism which prefers peace to righteousness.

Justice is best ensured by making it both easy and honourable to submit disputes to a disinterested party. And the majority of international disputes are of such a character as to render them peculiarly open to such decisions. Most of them are concerned with frontiers and frontier territory. With the present temper of national European feeling it should not be difficult to

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settle these once for all. But the great questions of the future will probably concern raw materials. Some, such as cotton and rubber, can only be produced in certain areas of the world's surface, and others, such as coal, iron, and oil, cannot be produced at all, but are only found in certain districts. It is the effort to provide the means of civilized life which has led in the past to the great movements and invasions of peoples. Disputes over the terms on which those who have raw materials shall supply them to others can only be finally settled by international agreements covering the whole field. It is easy to see how important a step towards this international settlement would be taken if every state controlled the export to other states of the raw materials produced within its territories.

A League of Nations to ensure justice must, then, provide some easy and honourable means of settling disputes, which will arise no matter how just the periodical rearrangements which it would also undertake. And in the idea of easiness must be included reasonable cheapness and speed, so that no riches or dilatory methods might be employed by one or other party to its own advantage; and in the idea of honour so much prestige that no state, however great or old, should be ashamed to abide by the court's decision, even against its own interests.

Some such court, in which all states could obtain justice, and the verdict of which both parties would generally agree to accept, would go far towards avoiding occasions of warfare. But its establishment would

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involve what would be regarded as great sacrifices from the states submitting to its judgement—giving up the responsibility of judging in their cause, and to some extent the power of using their armed forces for their own purposes at their own will.

The decisions of this court, however just, would not be for long respected unless some sanction were attached to them, nor could outstanding states be brought within the League unless it were very plain to see that it was better, on every ground which was legitimate, to be a willing consentient. It would be necessary to devise some means of enforcing the verdict of the court. The employment of force would be regarded by the Church as a legitimate use of the sword of justice, to be supported without scruple by all Christians. The use of the sword is only right for Christians in pursuit of justice and peace. Those who disregarded the decisions of the court of the League would be sinning against justice and making peace impossible. Christians would therefore (and that more readily than ever before, as no one but the offender would be then acting as a judge in his own case) be following out the traditional teaching of the Church in fighting for right and peace.

It was seen in the discussion of the question whether Christians might ever avail themselves of force that a Christian was at liberty to fight in a just war, to act as the executioner of judicial sentences, and to use force in defence of himself and his family and goods. The idea of a League of Nations would put states in this respect upon almost the same moral plane as

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private Christians are now—that is to say, they might use force to carry out the sentences of the court, to which all states could appeal for justice. It is worth noticing in passing, with regard to the jurisdiction of the proposed international court, that in civil life, though there are some wrongs which men are at liberty to pass by without prosecuting the wrong-doer, there are others so grave that the state, when cognizant of them, will itself prosecute the offender, whether the person wronged consent or not; and, secondly, that even when a defendant refuses to appear or to acknowledge the jurisdiction of the proper court, such refusal is no bar to the proceedings and to the due execution of the sentence. There would, therefore, have to be some supernational prosecutor to deal with wrongs which, if unpunished, would menace the life of the League, and to deal with corrupt bargains between two or more states to the detriment of the other members; and the members of the League would have to be quite resolute that no evil-doing state should escape punishment by refusing to submit its defence to the court.

But besides this right to draw the sword at the bidding of the international court, each state would naturally retain the right of self-defence for itself and its lawful possessions. The size of the army or navy which each maintained would depend on the size and position of its territories. This constitutes a difference between members of the League and private citizens. If a citizen arms himself at all, a revolver is commonly regarded as enough for any man; no

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man lines his carriage-drive with machine-guns or plants trench-mortars beside his front-door. But states are so various in size that the forces kept up for self-defence must plainly be very much greater in some cases than in others. Ten gendarmes and a motor-boat may suffice for Monte Carlo, but the British Empire must maintain a navy sufficient to ensure itself power to defend its component members scattered over the face of the globe.

The establishment of such a League, aiming at justice in peace for all states, and such a court, prepared to take action to enforce its decisions, would give the Church an opportunity to state clearly her considered philosophy of war, and to lay a definite duty upon her members as the practical outcome of her teaching.

The Church would teach on some such lines as these :

1. That no Christian may engage in a war that is unjust, either as a combatant or a non-combatant.

2. That there are just wars—that is, wars in which Christians ought to serve as combatants or non-combatants, when called upon to do so.

3. That just wars are of two kinds—wars of self-defence and judicial wars.

4. That wars of self-defence are wars undertaken (a) on the authority of the Christian's own state; (b) to resist unprovoked attack; (c) to preserve the life and rights of his state.

5. That judicial wars are wars undertaken (a) on

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the authority of the international court; (*b*) to punish offenders or to enforce sentence upon recalcitrant states (whether the Christian's own state were immediately involved or not); (*c*) with a right intention—viz., to fight no longer than should be necessary to fulfil the purpose of the war by satisfying the requirements of justice and executing the sentence of the court.

If the Church could determine to adopt a summary statement of her teaching on war such as the above, not only in England, but in all the states belonging to the League, her influence on the side of justice and peace would be enormously increased, and men would appreciate more highly her witness to the truth as it is in Christ Jesus. But in order that she might act in this way two things at least are necessary—unity for practical purposes between the separated branches of the Church, and the recovery of some sort of disciplinary power over her members.

The Christian's obedience to the state, as we have already seen, is unilateral. The Church would have every sanction in teaching that Christians owed a similarly unilateral obedience to the decisions of the court of the League. That is to say, Christians should obey these decisions in God, and for God, according to His holy Word and ordinance. In furtherance of those decisions they would be prepared to draw the sword, unless it was plain that they were contrary to God's commands. And if the state of which they were members defied justice, the Church should bid Christians refuse to support or fight for that state in

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its unjust policy. States must learn that their acts cannot be withdrawn from the categories of morality, and that Christians will not support them in deeds of sin. And now that success in war depends on the efforts of the whole population, which also ultimately controls the policy of the state, it is no longer possible either for Christians to escape responsibility, or for a despotic government, relying upon a professional army, to make war without regard to the opinions of its people. The day has gone by when the Church could influence the state through great ecclesiastical statesmen such as Lanfranc, Becket, Stephen Langton, Hugh of Lincoln, and Wolsey, though noble men can never lack the influence that flows from spiritual power. But it is now the time when the power of the mass of Churchpeople may make itself felt in the causes of justice, good faith, and peace.

The Church's task remains the same as it has ever been: to persuade men of the Truth which alone can make them free; to persuade them that in their common sonship they are also brethren and members one of another, and must therefore pass from competition and strife into unity of spirit and the bond of peace; to persuade them to change their love for worldly things into a passionate desire for the kingdom of God and His righteousness, wherein they may perceive the primacy of spiritual issues; to persuade them that self-sacrifice is the law of Christian progress, so that they may vanquish selfishness by service; to persuade them that justice is antecedent to law or desire, which it must ever regulate and sanctify;

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to persuade them so to love peace that to win it they may even draw the sword of justice.

So teaching, she must also ever pray that she herself, the Body of Christ, may be responsive to the guidance of God the Holy Ghost, and may listen to the truth as He reveals it, with an attentive ear, not rendered gross and hard by worldly or unworthy sounds, but that, gathering all her children in her train, she may nobly lead them forward along the paths of righteousness for ever, until His coming again.

APPENDIXES

- A.—THE JEWS' CODE OF WARFARE.
B.—S. AMBROSE: DE OFFICIIS MINISTRORUM; EXTRACTS RELATING TO WAR.
C.—S. AUGUSTINE: EXTRACTS FROM HIS WRITINGS RELATING TO WAR CONTAINED IN GRATIAN'S DECRETUM.
D.—S. THOMAS AQUINAS: SUMMA THEOLOGICA, SECUNDA SECUNDÆ, Q. XL. 1.
E.—"EXCOMMUNICAMUS," THIRD CANON OF FOURTH LATERAN COUNCIL, ETC.
F.—TREUGA ET PAX DEI, DRAWN UP BY THE BISHOPS OF BEAUVAIS AND SOISSONS, 1023.
G.—HENRY IV., TRUCE OF GOD, 1085.
H.—FREDERIC BARBAROSSA, LAND PEACE, 1152.
J.—S. THOMAS AQUINAS: SUMMA THEOLOGICA, SECUNDA SECUNDÆ, Q. XL. 4.
K.—INNOCENT III: STATEMENT OF CLAIMS TO INTERNATIONAL JURISDICTION.

APPENDIX A

THE JEWS' CODE OF WARFARE (*Deut. xx.*)

When thou goest forth to battle against thine enemies, and seest horses, and chariots, and a people more than thou, thou shalt not be afraid of them: for the Lord thy God is with thee, which brought thee up out of the land of Egypt. And it shall be, when ye draw nigh unto the battle, that the priest shall

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approach and speak unto the people, and shall say unto them, Hear, O Israel, ye draw nigh this day unto battle against your enemies : let not your heart faint ; fear not, nor tremble, neither be ye affrighted at them ; for the Lord your God is He that goeth with you, to fight for you against your enemies to save you. And the officers shall speak unto the people, saying, What man is there that hath built a new house, and hath not dedicated it ? Let him go and return to his house, lest he die in the battle, and another man dedicate it. And what man is there that hath planted a vineyard, and hath not used the fruit thereof ? Let him go and return unto his house, lest he die in the battle, and another man use the fruit thereof. And what man is there that hath betrothed a wife, and hath not taken her ? Let him go and return unto his house, lest he die in the battle and another man take her. And the officers shall speak further unto the people, and they shall say, What man is there that is fearful and faint-hearted ? Let him go and return unto his house, lest his brethren's heart melt as his heart. And it shall be, when the officers have made an end of speaking unto the people, that they shall appoint captains of hosts at the head of the people.

When thou drawest nigh unto a city to fight against it, then proclaim peace unto it. And it shall be, if it make thee answer of peace, and open unto thee, then it shall be that all the people that is found therein shall become tributary unto thee, and shall serve thee. And if it will make no peace with thee, but will make war against thee, then thou shalt besiege it : and when the Lord thy God delivereth it into thine hand, thou shalt smite every male thereof with the edge of the sword ; but the women, and the little ones, and the cattle, and all that is in the city, even all the spoil thereof, shalt thou take for a prey unto thyself ; and thou shalt eat the spoil of thine enemies, which the Lord thy God

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hath given thee. Thus shalt thou do unto all the cities which are very far off from thee, which are not of the cities of these nations. But of the cities of these peoples, which the Lord thy God giveth thee for an inheritance, thou shalt save alive nothing that breatheth: but thou shalt utterly destroy them; the Hittite, and the Amorite, the Canaanite, and the Perizzite, the Hivite, and the Jebusite; as the Lord thy God hath commanded thee: that they may teach you not to do after all their abominations, which they have done unto their gods; so should ye sin against the Lord your God.

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by wielding an axe against them; for thou mayest eat of them, and thou shalt not cut them down; for is the tree of the field man, that it should be besieged of thee? Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it fall.

APPENDIX B

S. AMBROSE: *De Officiis Ministrorum*

Lib. I., c. xxvii.: Siquidem et fortitudo quæ vel in bello tuetur a barbaris patriam, vel domi defendit infirmos, vel a latronibus socios, plena est iustitiæ; et scire quo consilio defendat atque adiuvet captare etiam temporum et locorum opportunitates, prudentiæ ac modestiæ sit; et temperantia ipsa sine prudentia modum scire non possit: opportunitatem noscere, et secundum mensuram reddere, sit iustitiæ, et in omnibus istis magnanimitas necessaria sit, et quædam fortitudo mentis, plerumque et corporis, ut quis quod velit, possit implere.

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Lib. I., c. xxix.: Quanta autem iustitia sit ex hoc intelligi potest, quod nec locis, nec personis, nec temporibus excipitur, quæ etiam hostibus reservatur: ut si constitutus sit cum hoste aut locus aut dies prælio, adversus iustitiam putetur aut loco prævenire aut tempore. . . . Si ergo etiam in bello iustitia valet, quanto magis in pace servanda est. . . . Fundamentum ergo est iustitiæ fides: iustorum enim corda meditantur fidem; et qui se iustus accusat, iustitiam supra fidem collocat; nam tunc iustitia eius apparet, si vera fateatur. . . . Ecclesia autem quædam forma iustitiæ est. . . .

Lib. I., c. xxxv.: Est itaque fortitudo velut excelsior ceteris, sed numquam incommutata virtus. . . . Alioquin fortitudo sine iustitia iniquitatis materia est. Quo enim validior est, eo promptior ut inferiorem opprimat; cum in ipsis rebus bellicis iusta bella an iniusta sint spectandum putetur. Numquam David nisi lacessitus bellum intulit. . . . Postea numquam nisi consulto Domino bellum adorsus. . . .

Lib. I., c. xxxvi.: Non igitur in viribus corporis et lacertis tantummodo fortitudinis gloria est, sed magis in virtute animi; neque in inferenda, sed in depellenda iniuria lex virtutis est. Qui enim non repellit a socio iniuriam, si potest, tam est in vitio, quam ille qui facit. . . . (*Cf.* Exod. ii. 11, 12.)

APPENDIX C

EXTRACTS FROM S. AUGUSTINE'S WRITINGS IN
Decretum Magistri Gratiani; Lipsiæ, 1879

CAUSA XXIII., QU. I. An militare peccatum sit?

Qu. II. Quod bellum sit iustum, et quomodo a filiis Israel iusta bella gerebantur?

C. II. *Precepta patientiæ virtute animi non ostentatione corporis servanda sunt* (Augustinus in Sermone de Puero Centurionis). — Paratus debet esse homo

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iustus et pius patienter maliciam eorum sustinere, quos fieri bonos querit, ut numerus potius crescat bonorum, non ut pari malicia se quis a numero addat malorum. Denique ista precepta magis sunt ad preparationem cordis, quam ad opus, quod in aperto fit, ut teneatur in secreto animi patientia cum benivolentia, in manifesto autem id fiat, quod eis videtur prodesse quibus bene velle debemus. Hinc liquido ostenditur, quod ipse Dominus Jesus, exemplum singulare patientiæ, cum percuteretur in facie, respondit; Si male locutus sum, exprobra de malo; si autem bene, quid me cedis? Nequaquam igitur preceptum suum si verba intueamur implevit. Neque enim præbuit percutienti alteram partem, sed potius prohibuit ne faceret et iniuriam augeret. Et tamen paratus advenerat non solum in faciem percuti, verum etiam pro his quoque a quibus hæc patiebatur crucifixus occidi, pro quibus ait in cruce pendens, Pater, ignosce illis quia nesciunt quid faciunt. Neque Paulus apostolus preceptum Domini et magistri sui videtur inplere, ubi etiam percussus in faciem dixit principi sacerdotum: Percutiet te Deus, paries dealbate; sedes me iudicare secundum legem, et contra legem iubes me percuti? Et cum a circumstantibus diceretur Iniuriam facis principi sacerdotum? irridens eos ammonere uoluit quid dixerit ut qui saperent intelligerent iam destruendum esse in adventu Christi parietem dealbatum, hoc est ypocrisin sacerdotii Iudæorum. Ait quippe "Nescivi, fratres, quia princeps est. Scriptum est enim: Principi populi tui non maledices; cum proculdubio qui in eodem populo creverat, atque in lege fuerat eruditus, illum principem sacerdotum nescire non posset, nec eos, quibus ita notus fuerat, ullo modo falleret, quod nesciret. Sunt ergo ista precepta patientiæ semper in cordis preparatione retinenda, ipsa quoque benivolentia, ne reddatur malum pro malo, semper in voluntate complenda. Agenda sunt autem multa etiam cum invitis quadam

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benigna asperitate plectendis, quorum potius utilitati consulendum est quam voluntati. Nam in corripiendo filium quamlibet aspere numquam profecto paternus amor amittitur. Fiat tamen quod nolit, et doleat qui etiam invitus dolore videtur sanandus. Ac per hoc, si terrena ista respublica Christiana precepta custodiat, etiam ipsa bella sine benivolentia non gerentur, sed ut ad pietatis iustitiæque societatem victis facilius consulatur. Nam cui licentia iniquitatis eripitur utilius vincitur, quoniam nihil est infelicius felicitate peccantium, qua penalis nutritur impunitas et mala voluntas uelut interior hostis roboratur. *Et paulo post*: Nam si Christiana disciplina omnia bella culparet, hoc potius, consilium salutis petentibus, in evangelio diceretur, ut abicerent arma, seque militiæ omnino subtraherent. Dictum est autem eis: Neminem concusseritis, estote contenti stipendiis vestris. Quibus proprium stipendium sufficere debere precepit, militare utique non prohibuit.

C. III. *In bellicis armis multi Deo placere possunt* (Augustinus ad Bonifacium, Epist. CCVII.).—Noli existimare, neminem Deo placere posse, qui armis bellicis ministrat. In his erat sanctus Daud, cui Dominus tam magnum perhibuit testimonium. In his etiam plurimi illius temporis iusti. In his erat ille centurio, qui Domino dixit, Non sum dignus ut intres sub tectum meum. Hoc ergo primum cogita quando armaris ad pugnam, quia virtus tua etiam ipsa corporalis donum Dei est. Sic enim cogitabis de dono Dei non facere contra Dominum. Fides enim, quando promittitur, etiam hosti servanda est, contra quem bellum geritur: quanto magis amico pro quo pugnatur? Pacem habere voluntatis, bellum autem debet esse necessitatis, ut liberet Deus a necessitate, et conseruet in pace. Non enim pax quæritur ut bellum exerceatur, sed bellum geritur, ut pax aquiratur. Esto ergo bellando pacificus, ut eos, quos expugnas, ad

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pacis utilitatem vincendo perducas. Beati enim pacifici (ait Dominus) quoniam filii Dei vocabuntur. Si autem pax humana tam dulcis est pro temporali salute mortalium, quanto dulcior est pax divina pro eterna salute angelorum? Itaque hostem pugnantes necessitas deprimat, non voluntas. Sicut bellanti et resistenti violentia redditur, ita victoriis capto misericordia iam debetur, maxime in quo pacis perturbatio non timetur.

C. IV. *Quæ sint in bello iure reprehendenda?* (Augustinus, *Contra Faustum*, Lib. XXII., c. 74, 75.)—Quid culpatur in bello? An quia morituri quandoque moriuntur, ut domentur in pace victuri? Hoc reprehendisse timidorum est, non religiosorum. Nocendi cupiditas, ulciscendi crudelitas, inplacatus atque inplacabilis animus, feritas rebellandi, libido dominandi, et si qua similia, hæc sunt, quæ in bellis iure culpantur. Quæ plerumque ut etiam iure puniantur, adversus violentias resistentium (sive Deo, sive aliquo legitimo imperio iubente) gerenda ipsa bella suscipiuntur a bonis, cum in eo rerum humanarum ordine inveniuntur, ubi eos vel iubere aliquid tale, vel in talibus obedire iuste ipse constringit. Unde neque Iohannes ab armis iubet discedere milites, et tributa Christus Cæsari monet reddi, quia propter bella necessario militi stipendium præbeatur. Ordo autem ille naturalis mortalium paci accommodatus hoc postulat, ut suscipiendi belli auctoritas atque consilium penes principes sit. Sed si humana cupiditate bellum geritur, non nocet sanctis, in quos non habet quisquam potestatem, nisi desuper datam. Non enim est potestas, nisi a Deo, sive iubente, sive sinente. Ergo vir iustus, si forte etiam sub rege, homine sacrilego, militet, recte potest illo iubente bellare, si, vice pacis ordinem servans, quod sibi iubetur vel non esse contra Dei preceptum, certum est, vel utrum sit, certum non est, ita, ut fortasse reum faciat regem iniquitas imperandi, innocentem autem militem ostendat ordo serviendi.

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C. V. *Militare non est peccatum* (Augustinus in libro de Verbis Domini, Tractat. XIX.).—Militare non est delictum, sed propter prædam militare peccatum est; nec rempublicam gerere criminis est, sed ideo agere rempublicam, ut divitias augeas, videtur esse damnabile. Propterea enim quadam providentia militantibus sunt stipendia constituta ne, dum sumptus queritur, predo crassetur. *Item.* Dominus ipse dixit Reddite quæ Dei sunt Deo, et quæ sunt Cæsaris, Cæsari. Igitur quod Cæsar precipit ferendum est, quod imperat tollerandum est: sed fit intolerabile, dum prædam exactores accumulunt. *Item.* Interrogauerunt Iohannem milites dicentes Quid faciemus et nos? Ait illis Neminem concutiatis neque calumpniam faciatis, sed estote contenti stipendiis vestris. Sic autem se cognoscere debet omnis homo qui militat. Non enim de his tantum militantibus scriptura loquitur, qui armata militia detinentur, sed quisquis militiæ suæ cingulo utitur, dignitatis suæ miles ascribitur, atque ideo hæc sententia potest dici (verbi gratia) militibus protectoribus, cunctisque rectoribus. Quicumque sibi stipendia publice decreta consequitur, si amplius querit, tanquam calumpniator et concussor Johannis sententia condemnatur.

C. VI. *Pacata sunt bella quæ geruntur ut mali coerceantur et boni subleventur* (Augustinus de diversis ecclesiæ observationibus).—Apud veros Dei cultores etiam ipsa bella pacata sunt, quæ non cupiditate aut crudelitate, sed pacis studio geruntur, ut mali coerceantur et boni subleventur.

(Sic citat Ivo. Sed non inventum apud Augustinum.)

QUÆSTIO II. Gratianus.

Quod autem queritur quod sit bellum iustum.

C. I. *Quid sit bellum iustum* (Ysidorus Ethimol., l. xx., inquit).—Iustum est bellum quod ex edicto geritur de rebus repentendis aut propulsandorum hominum causa. Iudex dictus est, quia ius dictat

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populo, sive quod iure disceptet. Iure autem disceptare est iuste iudicare. Non enim est iudex si non est iustitia in eo.

C. II. *Nihil interest ad iustitiam, sive aperte sive ex insidiis aliquis pugnet* (Augustinus in lib. quæstionum, VI. 10).—Dominus Deus noster iubet ad Iesum Naue, ut constituat sibi retrorsum insidias, id est insidiantes bellatores ad insidiandum hostibus. Hinc admone-mur, hoc non iniuste fieri ab his qui iustum bellum gerunt ut nihil iustus precipue cogitet in his rebus, nisi ut bellum suscipiat cui bellare fas est. Non enim fas est omnibus. Cum autem iustum bellum suscepit, utrum aperte pugnet, an ex insidiis, nihil ad iustitiam interest. Iusta autem bella solent diffiniri, quæ ulciscuntur iniurias, sic gens et civitas petenda est, quæ vel vindicare neglexerit quod a suis improbe factum est, vel reddere quod per iniurias ablatum est. Sed et hoc genus belli sine dubio iustum est quod Deus imperat, qui novit quid cuique fieri debeat: in quo bello ductor exercitus vel ipse populus non tam auctor belli, quam minister iudicandus est.

Gratianus: *Cum ergo iustum bellum sit quod ex edicto geritur vel quo iniuriæ ulciscuntur, queritur quomodo a filiis Israel iusta bella gerebantur.*

C. III. *Innoxius transitus filiis Israel negabatur, atque ideo iusta bella gerebantur* (Augustinus in quest. Num., q. 44 ad c. 20).—Notandum sane est, quemadmodum iusta bella gerebantur a filiis Israel contra Amorreos. Innoxius enim transitus negabatur, qui iure humanæ societatis æquissimo patere debebat.

The following passages, though not included in the selection from S. Augustine's writings which Gratian put in his *Decretum*, are noteworthy.

S. AUGUSTINE, *De Civitate Dei*.

Lib. I., c. xxi.: Quasdam vero exceptiones eadem ipsa diuina fecit auctoritas, ut non liceat hominem occidi. Sed his exceptis, quos Deus occidi iubet siue

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data lege siue ad personam pro tempore expressa iussione (non autem ipse occidit, qui ministerium debet iubenti, sicut adminiculum gladius utenti; et ideo nequaquam contra hoc preceptum fecerunt, quo dictum est Non occides, qui Deo auctore bella gesserunt aut personam gerentes publicæ potestatis secundum eius leges, hoc est iustissimæ rationis imperium, sceleratos morte punierunt . . .), his igitur exceptis, quos vel lex iusta generaliter vel ipse fons iustitiæ Deus specialiter occidi iubet, quisquis hominem vel se ipsum vel quemlibet occiderit, homicidii crimine innectitur.

Lib. I., c. xxvi. : . . . Nam et miles cum oboediens potestati, sub qualibet legitime constitutus est, hominem occidit, nulla civitatis suæ lege reus est homicidii, immo, nisi fecerit, reus est imperii deserti atque contempti; quod si sua sponte atque auctoritate fecisset, crimen effusi humani sanguinis incidisset. Itaque unde punitur si fecit iniussus, inde punietur nisi fecerit iussus. . . .

APPENDIX D

S. THOMAS AQUINAS : *Summa Theologica*, ed. Migne.
Paris, 1882.

Secunda Secundæ, Quæstio XL., *De Bello*, Articulus I.

DEINDE considerandum est de bello; et circa hoc quærentur quatuor: 1º Utrum aliquod bellum sit licitum; 2º Utrum clericis sit licitum bellare; 3º Utrum liceat bellantibus uti insidiis; 4º Utrum liceat in diebus festivis bellare.

ARTICULUS PRIMUS : UTRUM BELLARE SIT SEMPER
PECCATUM.

AD PRIMUM sic proceditur : 1. Videtur quod bellare semper sit peccatum. Pœna enim non infligitur nisi

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pro peccato. Sed bellantibus a Domino inducitur poena, secundum illud Matth. xxvi. 52, *Omnis qui acceperit gladium, gladio peribit*. Ergo omne bellum est illicitum.

2. Præterea, quidquid contrariatur divino præcepto, est peccatum. Sed bellare contrariatur divino præcepto: dicitur enim Matth. v. 39, *Ego autem dico vobis, non resistere malo*. Et Rom. xii. 19, dicitur: *Non vos defendentes, charissimi, sed date locum iræ*. Ergo bellare semper est peccatum.

3. Præterea, nihil contrariatur actui virtutis nisi peccatum. Sed bellum contrariatur paci. Ergo bellum semper est peccatum.

4. Præterea, omne exercitium ad rem licitam licitum est, sicut patet in exercitiis scientiarum. Sed exercitia bellorum quæ fiunt in torneamentis, prohibentur ab Ecclesia; quia morientes in huiusmodi tyrociniis ecclesiastica sepultura privantur. Ergo bellum videtur esse simpliciter peccatum.

SED contra est quod Augustinus dicit in sermone De Puero Centurionis (habetur epist. ad Marcell., aliquant. a med. et cap. *Paratus*, 23, quæst. 1): *Si Christiana disciplina omnino bella culparet, hoc potius consilium salutis petentibus in Evangelio daretur ut abiicerent arma, seque militiæ omnino subtraherent. Dictum est autem eis: Neminem conculcatis; estote contenti stipendiis vestris. Quibus proprium stipendium sufficere præcepit, militare non prohibuit*.

RESPONDEO dicendum quod ad hoc quod aliquod bellum sit iustum, tria requiruntur: Primo quidem auctoritas principis, cuius mandato bellum est gerendum. Non enim pertinet ad personam privatam bellum movere, quia potest ius suum in iudicio superioris prosequi. Similiter etiam convocare multitudinem, quod in bellis oportet fieri, non pertinet ad privatam personam. Cum autem cura reipublicæ commissa sit principibus, ad eos pertinet rempublicam

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civitatis, vel regni, seu provinciæ sibi subditæ tueri. Et sicut licite defendunt eam materiali gladio contra interiores perturbationes, dum malefactores puniunt, secundum illud Apostoli ad Rom. xiii. 4: *Non sine causa gladium portat; minister enim Dei est, vindex in iram ei qui male agit*; ita etiam gladio bellico ad eos pertinet rempublicam tueri ab exterioribus hostibus. Unde et principibus dicitur in psalmo lxxxi. 4: *Eripite pauperem, et egenum de manu peccatoris liberate*. Unde Augustinus dicit, *Contra Faustum* Lib. XXII., cap. 75, in princ. *Ordo naturalis mortalium paci accommodatus hoc poscit, ut suscipiendi belli auctoritas atque consilium penes principes sit*.

SECUNDO requiritur causa iusta: ut scilicet illi qui impugnantur, propter aliquam culpam impugnationem mereantur. Unde Augustinus dicit in lib. *Quæst.* (scil. super Jos. *Quæst.* 16): *Iusta bella solent definiri quæ ulciscuntur iniurias, si gens, vel civitas plectenda est, quæ vel vindicare neglexerit quod a suis improbe factum est, vel reddere quod per iniuriam ablatum est*.

TERTIO requiritur ut sit intentio bellantium recta; qua scilicet intenditur vel ut bonum promoveatur, vel ut malum vitetur. Unde Augustinus in lib. *De Verbis Domini* (habetur cap. *Apud*, 23, quæst. i. sed ex August. non occurrit): *Apud veros Dei cultores etiam illa bella pacata sunt quæ non cupiditate, aut crudelitate, sed pacis studio geruntur, ut mali coerceantur, et boni sublevantur*. Potest autem contingere ut si sit legitima auctoritas indicentis bellum et causa iusta, nihilominus propter pravam intentionem bellum reddatur illicitum. Dicit enim Augustinus in lib. XXII. *Contra Faustum*, cap. 74: *Nocendi cupiditas, ulciscendi crudelitas, impacatus, implacabilis animus, feritas rebellandi, libido dominandi, et si qua sunt similia, hæc sunt quæ in bellis iure culpantur*.

AD PRIMUM ergo dicendum quod sicut Augustinus dicit, Lib. XXII., *Contra Faustum*, cap. 70, ad fin.,

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Ille accipit gladium qui nulla superiori aut legitima potestate aut iubente vel concedente in sanguinem alicuius armatur. Qui vero ex auctoritate principis vel iudicis (si sit persona privata), vel ex zelo iustitiæ quasi ex auctoritate Dei (si sit persona publica), gladio utitur, non ipse accipit gladium sed ab alio sibi commisso utitur; unde ei pœna non debetur. Nec tamen illi etiam qui cum peccato gladio utuntur, semper gladio occiduntur; sed ipsi suo gladio semper pereunt, quia pro peccato gladii æternaliter puniuntur, nisi pœniteant.

AD SECUNDUM dicendum quod huiusmodi præcepta, sicut Augustinus dicit in lib. 1 De Serm. Domini in Monte, cap. xix., semper sunt servanda in præparatione animi, ut scilicet semper homo sit paratus non resistere, vel se non defendere, si opus fuerit. Sed quandoque est aliter agendum propter commune bonum, vel etiam illorum cum quibus pugnatur. Unde Augustinus dicit in epist. ad Marcell. a med.: *Agenda sunt multa etiam cum invitis benigna quadam asperitate plectendis. Nam cui licentia iniquitatis eripitur, utiliter vincitur: quoniam nihil est infelicius felicitate peccantium, qua pœnalis nutritur impunitas, et mala voluntas, velut hostis interior, roboratur.*

AD TERTIUM dicendum quod etiam illi qui iuste bella gerunt, pacem intendunt; et ita paci non contrariantur, nisi malæ, quam Dominus non venit mittere in terram, ut dicitur Matth. x. Unde Augustinus dicit ad Bonifacium, Epist. clxxxix., al. 205, a med.: *Non quæritur pax, ut bellum exerceatur; sed bellum geritur, ut pax acquiratur. Esto ergo bellando pacificus, ut eos quos expugnas, ad pacis utilitatem vincendo perducas.*

AD QUARTUM dicendum quod exercitia hominum ad res bellicas spectantia non sunt universaliter prohibita; sed inordinata exercitia, et periculosa, ex quibus occasiones et deprædationes proveniunt. Apud

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antiquos autem exercitationes ad bella sine huiusmodi periculis erant, et idea vocabantur *meditationes armorum*, vel *bella sine sanguine*, ut per Hieronymum patet in quadam epist. (sed non occurrit).

APPENDIX E

EXTRACTS RELATING TO A HOLY WAR

1. The Third Canon of the Fourth Lateran Council, "*Excommunicamus.*" Cited by Pissard, *La Guerre Sainte*, p. 61 :

Si vero dominus temporalis requisitus et monitus ab Ecclesia, terram suam purgare neglexerit ab hac hæretica fœditate, per metropolitanum et ceteros com-provinciales episcopos excommunicationis vinculo innodetur. Et si satisfacere contempserit infra annum, significetur hoc summo pontifici: ut extunc ipse vassallos ab eius fidelitate denunciaret absolutos, et terram exponat catholicis occupandam, qui eam, exterminatis hæreticis, sine ulla contradictione possideant, et in fidei puritate conservent: salvo iure domini principalis, dummodo super hoc ipse nullum præstet obstaculum, nec aliquod impedimentum opponat: eadem nihilominus lege servata circa eos qui non habent dominos principales.

2. Extract from a letter from Gregory IX. ad Germanum. Cited by Pissard, *op. cit.*, p. 87, note 1, from Raynaldi, an. 1238, sect. 3 :

Uterque igitur gladius Ecclesiæ traditur, sed ab Ecclesia exercendus est unus, alius pro Ecclesia manu sæcularis principis eximendus: unus a sacerdote, alius ad nutum sacerdotis administrandus a milite.

3. Hostiensis, Summa Aurea, De voto. Cited by Pissard, *op. cit.*, p. 89, note 1 :

Puto quod episcopus non potest dare auctoritatem prædicandi crucem. Primo quia nec remissionem

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potest facere quantam requirit crux; item quia ad solum papam pertinet de fide respondere et periculis ipsius taliter respondere; tertio quia ad ipsum pertinet votum crucis.

APPENDIX F

TREUGA ET PAX DEI

The text of this *Treuga et Pax Dei* is taken from *Études sur le Règne de Robert le Pieux* (996-1031), by Pfister, who extracted it from *Gesta Episcoporum Cameracensium*, III. 27.

It was drawn up in 1023 by Warin, Bishop of Beauvais, and Bérold, Bishop of Soissons, for the seigneurs of their dioceses.

Je n'envahirai en aucune façon les églises ni les celliers des églises, sinon pour y saisir le malfaiteur qui aura violé la paix ou commis un homicide. Je n'assaillirai pas le clerc et le moine qui ne portent pas les armes du siècle, ni celui qui se promène avec eux sans lance ni bouclier, à moins que je n'aie sujet de me plaindre d'eux ou qu'ils ne veuillent pas réparer dans l'espace de quinze jours la faute commise contre moi. Je n'enlèverai ni bœuf, ni vache, ni aucune autre bête de somme. Je ne saisirai ni le paysan ni la paysanne, ni les marchands; je ne leur prendrai point leurs deniers et je ne les obligerai pas à se racheter. Je ne veux pas qu'ils perdent leur avoir à cause de la guerre de leur seigneur et je ne les fouetterai point pour leur enlever leur subsistance. Depuis les kalendes de mars jusqu'à la Toussaint je ne saisirai ni cheval, ni jument, ni poulain dans les pâturages. Je ne détruirai ni incendierai les maisons; je ne déracinerai ni vendangerai les vignes sous prétexte de guerre; je ne détruirai pas les moulins et je ne ravirai pas la farine qui s'y trouve, à moins qu'ils ne soient situés dans ma terre ou que je ne sois à l'ost. Je ne donnerai protec-

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tion à aucun voleur; si par hasard, à son insu, un homme à qui j'ai donné un sauf-conduit viole cette paix, je réparerai le tort qu'il a causé ou je l'obligerai à le réparer lui-même dans les quinze jours. . . . J'observerai ce traité à l'égard de tous ceux qui l'ont juré et qui l'observent à mon égard. Je n'en excepte que les terres qui sont au nombre de mes alleus ou de mes bénéfices, celles qui m'appartiennent en franchise ou qui se sont recommandées à moi, ainsi que mes vicairies. J'en except encore les cas où je bâtirai et assiègerai un château, où je serai appelé à l'ost du roi et de nos évêques, où je ferai la chevauchée. Mais même alors, je ne recevrai que ma subsistance, et n'emporterai rien à ma maison, sinon les fers qui sont aux pieds de mes chevaux, et je ne violerai point à l'ost les privilèges des églises, sinon quand elles me refuseront la faculté d'acheter mes vivres. Depuis le commencement du jeûne jusqu'à Pâque, je n'assaillirai point le cavalier qui ne porte pas les armes du siècle, et ne lui enlèverai point par force la subsistance qu'il a sur lui. Si un vilain fait tort à un autre vilain ou à un cavalier, j'attendrai quinze jours pour lui permettre de faire réparation et s'il ne répare pas sa faute, je le saisirai en ne prenant sur son avoir que ce qui est autorisé par loi.

APPENDIX G

HENRICI IV. IMPERATORIS CONSTITUTIO PACIS DEI
IN SYNODO MOGUNTINA ANNO 1085 PROMULGATA

Mon. Germ. Select., ed Doeberl, 1889, *Bändchen* 3,
pp. 49-51.

Cum nostris temporibus ultra modum tribulationibus sancta ecclesia affligeretur, compatiendo tot pressuris totque periculis, subvenire illi Deo propitiante tractavimus, ut pacem quam peccatis nostris

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exigentibus continuare non potuimus, intermissis saltem diebus aliquatenus confirmaremus. Anno dominice incarnationis 1085, indictione 8, Deo mediante tam clero quam populo pari consentientibus voto, constitutum est, ut a primo die adventus Domini usque ad exactum diem epiphanie, et ab intrante septuagesima usque in octavas pentecostes et per totam illam diem, omnique feria quinta, sexta, sabbato, dominica die, usque ad ortum solis secundæ feriæ, addita feria quatuor temporum, omnique apostolorum vigilia cum die sequenti, insuper omni die canonice ad ieiunandum vel feriandum statuta vel statuenda, hoc pacis decretum teneatur, quatenus iterantium domique manentium securitatis sit tutissima traditio, ut cedes et incendia, predas et assultus nemo faciat, nemo fuste aut gladio aut aliquo armorum genere quemquam ledat, et nemo quamvis culpa faicosus ab adventu Domini usque in octavas epiphanie, et a septuagesima usque in octavas pentecostes tollere arma presumat, scutum, vel gladium vel lanceam vel cuiuscunque prorsus armaturæ sarcinam. Similiter in reliquis diebus, idem dominicis quinta et sexta feria, sabbato omnique vigilia apostolorum cum die subsequenti, et omni die ad ieiunandum sive feriandum canonice statuta vel statuenda non licet arma ferre nisi longe euntibus, ea tamen conditione ut nulli quolibet modo lesionem inferat. Si necesse fuerit alicui infra spacium conductæ pacis in alium locum, quo pax ista non observetur, ire, arma ferat, ita tamen ne alicui noceat, nisi inpugnetur, ut se defendat, reversus autem iterum arma deponat. Si contigerit ut castellum obsideatur, per dies qui infra pacem comprehensi sunt ab inpugnatione cessent, nisi ab obsessis impugnentur et repugnare cogantur.

Et ne hæc pacis statuta traditio a quavis persona inpune violetur, ab omnibus dicta est sententia: Si liber vel nobilis eam violaverit, idem si homicidium

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fecerit aut aliquem vulneraverit, aut alio quolibet modo defectaverit, absque omni sumptuum aut amicorum interventione finibus confinium suorum expellatur, totumque predium eius heredes sui tollant, et si beneficium habuerit, dominus ad quem pertinet illud accipiat. Si vero heredes sui aliquid illi postquam expulsus fuerit subsidium et sustentaculum inpendisse inventi fuerint et convicti, predium illis auferatur, et regiæ dignitati mancipetur. Quod si se de obiectis purgare voluerit, cum 12, qui eque nobiles ac liberi fuerint iuret. Si serous occiderit hominem, decolletur; si vulneraverit, manu dextra truncetur; si alio modo vel pugno vel lapide sive fuste vel quolibet modo percutiendo defectaverit, verberetur et decapilletur. Si autem cui imputatur se innocentem probare voluerit, iudicio aque frigide se expurget, ita tamen ut ipse et nemo alius pro eo in aquam mittatur. Si autem timens iudicium quod in eum dictatum est aufugerit, perpetuæ excommunicationi subiaceat, et in quocunque loco auditus fuerit, mittantur illuc litere, quibus denuntiatur illum excommunicatum esse et quod cum eo nulli communicare liceat. Non debet truncatio manuum in pueris fieri, qui nondum etatem duodecim annorum impleverint; si qui hanc transgressi sunt, pueri, tantum verberibus castigentur. Non infringit pacem, si quis delinquentem servum vel discipulum vel quolibet modo sibi subiectum scopis vel fustibus cedi iusserit. Excipitur etiam ab hac pacis constitutione, si dominus imperator publice expeditionem fieri iusserit propter appetendos regni inimicos, vel concilium sibi habere placuerit, propter diiudicandos iusticie adversarios. Non violatur pax, si interim dux aut alii comites vel advocati vel qui vicem illorum funguntur placita habuerint, et secundum quod lex habet in fures et predones et alios nocentes iudicia exercuerint. Securitatis gratia omnibus precipue faicosis huius dominice pacis statuta est traditio, sed non ut post expletam

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pacem rapere et predari per villas et per domos audeant, quia que in illos antequam ista pax statueretur lex et sententia dictata est diligentissime tenebitur, ut ab iniquitate proibeantur, quia predatores et grassatores ab hac divina pace et ab omni prorsus excipiuntur. Si quis huic pie constitutioni contraire nititur, ut nec pacem Deo promittere nec etiam observare voluerit, missam illi nullus presbiterorum cantare presumat, et nullam salutis curam inpendat; si infirmetur nullus christianorum eum visitare presumat, et viatico etiam in fine nisi respiscat careat. Si quis autem illam sive in presenti tempore sive in perpetuum apud posteros nostros violare presumpserit, a nobis inrecuperabiliter excommunicatus est. Non magis in comitum vel tribunorum sive quorumlibet potentum quam in totius populi communiter potestate constare sanximus, ut vindictas supra memoratas, violatoribus sancte pacis inferant; et hoc diligentissime caveant, ne in puniendo amiciciam vel odium, vel aliud quod iustitiæ contrarium sit exerceant, ne delicta aliquorum abscondant sed potius in publicum proferant. Nullus pro redimendis qui in culpa deprehensi fuerant pecuniam accipiat. Mercatores in itinere quo negotiantur, rustici dum rusticali operi, arando, fodiendo, metendo, et aliis huiusmodi operum dant, omni die pacem habeant. Mulieres autem et omnes sacris ordinibus adtitulati perpetua pace fruantur; in ecclesiis vero et ecclesiarum cimiteriis honor et reverentia Deo prebeatur, ut si illuc confugerit raptor vel fur, minime capiatur, sed tamdiu ibi obsideatur, donec fame cogente ad deditionem cogatur. Si aliquis defensionem reo, arma, victum, vel fugam moliri presumpserit, equali penæ sicut reus subiacebit. Banno etiam nostro interdiciamus, ne aliquis sacri ordinis huius sanctæ pacis transgressor convictus, laicali vindicta puniatur, sed episcopo presentetur. Unde laici decollentur, inde clerici degradentur; unde laici detruncentur, inde clerici ab

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officiis suspendantur; et consensu laicorum crebris ieiuniis et verberibus usque ad satisfactionem affligantur. Amen.

APPENDIX H

EXTRACTS FROM THE LAND PEACE OF FREDERIC
BARBAROSSA, A.D. 1152

Ausgewählte Urkunden, edited by W. Altmann and
E. Bernheim. Berlin, 1895, p. 209, No. 97.

Fredericus Dei gratia Romanorum rex episcopis, ducibus comitibus marchionibus rectoribus ad quos literæ istæ pervenerint gratiam suam et pacem et dilectionem. . . . 1. Si quis hominem infra pacem constitutam occiderit, capitalem subeat sententiam, nisi per duellum hoc probare possit, quod vitam suam defendendo illum occiderit. Si autem omnibus manifestum sit, quod non necessario sed voluntate illum occiderit, tunc neque per duellum neque quolibet alio modo se excusabit, quin capitali damnetur sententia.

2. Si vero violator pacis a facie iudicis fugerit, res eius mobiles a iudice in populum publicentur et dispensentur; heredes autem eius hereditatem, quam ille tenebat, recipiant tali conditione interposita, ut iureiurando spondeant, quod ille violator pacis nunquam de cetero ipsorum voluntate aut consensu aliquod emolumentum inde percipiat. Quod si heredes neglecto postmodum iuris rigore hereditatem ei dimiserint, comes eandem hereditatem regiæ ditioni assignet, et a rege iure beneficii recipiant.

3. Si quis alium infra pacis edictum vulneraverit, nisi duello quod vitam suam defendendo hoc fecerit probaverit manus ei amputetur et, sicut superius dictum est, iudicetur et iudex in causa ipsum et res eius secundum vigorem iustitiæ strictius consequatur.

4. Si quis alium ceperit et absque sanguinis

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effusione fustibus percusserit vel crines eius aut barbam expilaverit, decem libras ei cui iniuria illata esse videtur per compositionem impendat et iudici viginti libras persolvat. Si vero temerarius absque percussione eum invadat, quod vulgo dicitur "asteros hant," calida manu, ac verberibus contumeliisque male tractaverit, 5 libras pro tali excessu persolvat.

5. Quicumque iudici suo pro excessu viginti libras invadiaverit, prædium suum pro pignore illi tradat et infra quatuor septimanas invadiatam pecuniam persolvat; quod si infra quatuor septimanas prædium suum solvere neglexerit, heredes sui, si voluerint, hereditatem recipiant, et comiti infra sex septimanas viginti libras persolvant; si autem comes eandem hereditatem regiæ potestati consignet, proclamatori etiam damnum restituat et prædium a rege beneficii iure obtineat.

12. Si quis rusticus arma vel lanceam portaverit vel gladium, iudex, in cuius potestate repertus fuerit, vel arma tollat vel viginti solidos pro ipsis a rustico accipiat.

13. Mercator negotiandi causa provinciam transiens gladium suum sue selle alliget vel super vehiculum suum ponat, ne unquam lædat innocentem, sed ut a prædone se defendat.

APPENDIX J

S. THOMAS AQUINAS: *Summa Theologica*, ed Migne. Paris, 1882.

Secunda Secundæ, Quæstio XL., *De Bello*,
Articulus IV.

UTRUM LICEAT DIEBUS FESTIS BELLARE

AD QUARTUM sic proceditur: 1. Videtur quod in diebus festis non liceat bellare. Festa enim sunt ordinata ad vacandum divinis: unde intelliguntur per

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observationem sabbati quæ præcipitur Exod. xx. Sabbatum enim interpretatur requies. Sed bella maximam inquietudinem habent. Ergo nullo modo est in diebus festis pugnandum.

2. Præterea, Isa. lviii., reprehenduntur quidam quod in diebus ieiunii repetunt debita, et committunt lites, pugno percutientes. Ergo multo magis in diebus festis illicitum est bellare.

3. Præterea, nihil est inordinate agendum ad vitandum incommodum temporale. Sed bellare in die festo videtur esse secundum se inordinatum. Ergo pro nulla necessitate temporalis incommodi vitandi debet aliquis in die festo bellare.

SED CONTRA est quod I Maccab. ii. 41, dicitur: *Cogitauerunt laudabiliter Iudæi dicentes: Omnis homo quicumque venerit ad nos in bello in die sabbatorum, pugnemus adversus eum.*

Respondeo dicendum quod observatio festorum non impedit ea quæ ordinantur ad hominis salutem etiam corporalem. Unde Dominus arguit Iudæos dicens, Ioan. vii. 23, *Mihi indignamini, quia totum hominem sanum feci in sabbato?* Et inde est quod medici licite possunt medicari homines in die festo. Multo autem magis est conservanda salus reipublicæ, per quam impediuntur occisiones plurimorum, et innumera mala et temporalia et spiritualia, quam salus corporalis unius hominis. Et ideo pro tuitione reipublicæ fidelium licitum est iusta bella exercere in diebus festis, si tamen hoc necessitas exposcat; hoc enim esset tentare Deum, si quis imminente tali necessitate vellet a bello abstinere. Sed, necessitate cessante, non est licitum bellare in diebus festis propter rationes inductas. Et per hoc patet responsio ad obiecta.

Appendix K

APPENDIX K

THE CLAIMS OF INNOCENT III. TO SUPERNATIONAL JURISDICTION¹

I.

Regi Francorum: Ut pacem faciat cum rege Anglorum.

Ferentini VII. Kal. Junii pontif. nostr. anno sexto (1203).

. . . Cum regia serenitas non ignorat quod apud nos esse non debeat acceptio personarum, inde credimus eam non graviter sustinere, si circa ipsam pastoralis officii debitum exsequamur, ne præter divinæ maiestatis offensam, quam si neglegentes fuerimus incurremus, apud homines quoque ministerium nostrum vituperari contingat, si etiam circa reges et principes aliquid ex contingentibus omitamus, voluntati eorum consulentes potius quam saluti. . . . Ne igitur nos, qui sumus secundum apostolum hæredes Dei, cohæredes autem Christi, relictæ nobis hæreditatis exhibeamus indignos, et gratiæ, quam in nos abundantius effudit, ostendamus ingratos, pacem evangelizare tenemur filiis pacis præsertim, ut super eos pax nostra secundum verbum evangelicum requiescat, cum et, secundum prophetam, inquirere pacem et eam persequi teneamur. Hoc autem tanto confidentius circa regiam serenitatem exsequimur, quanto dilectum filium P. tituli sancti Marcelli presbyterum cardinalem, apostolicæ sedis legatum, quondam pro simili causa transmissum benignius recepisse te novimus, et sollicitudinem nostram in eo amplius

¹ For Letter I. see *Innocentii III. Regestorum sive Epistolarum*, Lib. VI., Ep. LXVIII. Migne, *Pal. Lat.* CCXV., col. 64, 65, 66.

For Letter II. see *Mediæval Political Theory in the West*, R. W. and A. J. Carlyle, II., pp. 220-223, note 1, quoting from *The Decretals of Innocent III.*, II., 1, 13.

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approbasse. Nosti etenim, utpote qui hoc in libro experientiæ quotidianæ legisti, quanta mala ex dissensione, quæ inter te et charissimum in Christo filium nostrum, J. regem Anglorum illustrem, peccatis exigentibus, est exorta, non solum communiter regnis vestris, sed generaliter universo provenerint populo Christiano. Ecce etenim, vobis ad invicem decertantibus, destruuntur ecclesiæ, pauperantur divites, pauperes opprimuntur et dum nec religioni nec sexui parcitur, veri religiosi qui consueverant orationi vacare, mendicare coguntur, et illæ prostituuntur, quod dolentes dicimus, voluptati prædonum, quæ virginitatem suam voverant virginitatis auctori. Iam quoque in Christianos sumunt audaciam Saraceni, et, qui placatis et pacatis vobis ad invicem exsilium formidabant, animis ex vestra dissensione resumptis, fortiores in Christianorum exterminium surrexerunt, præsertim cum principes Gallicani, de quibus apud maiestatem divinam et tuam serenitatem querelam deponimus, a bono proposito recedentes, contra prohibitionem nostram in Christianos converterint arma sua, nec adhuc adiciant ut resurgant, sed peiora prioribus, sicut nostris est auribus intimatum, proposuerint attentari. . . . Ne igitur sanguis tot populorum de nostris manibus requiratur, ne rei tot mortium, ut sic loqui liceat, videamur, si, quod absit! tanquam *canes muti non valentes latrare* tacuerimus in tanta necessitate populi Christiani . . . dilectum filium . . . abbatem Casemarii . . . ad presentiam tuam duximus destinandum . . . rogantes serenitatem regiam, et exhortantes in Domino, et in remissionem tibi peccaminum iniungentes, quatenus ad commonitionem ipsorum, imo nostram verius, cum prædicto rege vel statuas firmam pacem, vel treugas in eas congruentes, ut interim de pace inter vos perpetuo reformanda, salva iustitia utriusque, licentius possit et securius pertractari. . . .

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The Pope sent another letter (Epist. LXIX.) in identical terms, *mutatis mutandis*, to King John; and a third, again with the necessary changes, to the clergy of the kingdom of France, adding admonitions to them to receive the Legate and observe his decisions.

II.¹

. . . Non ergo putet aliquis quod iurisdictionem aut potestatem illustris regis Francorum perturbare aut minuere intendamus, quum ipse iurisdictionem et potestatem nostram nec velit, nec debeat etiam, impedire, quumque iurisdictionem propriam non sufficiamus explere, cur alienam usurpare vellemus. Sed quum Dominus dicat in evangelio: 'Si peccaverit in te frater tuus. . . Si autem ecclesiam non audierit, sit tibi sicut ethnicus et publicanus' (Matt. xviii. 15 *et seq.*), et rex Angliæ, sicut asserit, sit paratus sufficienter ostendere, quod rex Francorum peccat in ipsum, et ipse circa eum in correctione processit secundum regulam evangelicam, et tandem quia nullo modo profecit, dixit ecclesiæ: quomodo nos qui sumus ad regimen universalis ecclesiæ suprema dispositione vocati, mandatum divinum possumus non exaudire, ut non procedamus secundum formam ipsius, nisi forsitan ipse coram nobis vel legato nostro sufficientem in contrarium rationem ostendat? Non enim intendimus iudicare de feudo, cuius ad ipsum spectat iudicium, nisi forte iuri communi per speciale privilegium vel contrariam consuetudinem aliquid sit detractum, sed decernere de peccato, cuius ad nos pertinet sine dubio censura, quam in quemlibet exercere possumus et debemus. Non igitur iniuriosum sibi debet regia dignitas reputare, si super hoc apostolico iudicio se committat, quum Valentinianus inclitus imperator

¹ This letter was addressed to the French clergy, who had raised objections to the Pope's claim to arbitrate.

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suffraganeis Mediolanensis ecclesia dixisse legatur: "Talem in pontificali sede constituere procuretis, cui et nos, qui gubernamus imperium, sincere nostra capita submittamus, et eius monita, quum tamen homines delinquerimus, suscipiamus necessario velut medicamenta curantis." Nec sic illud humillime omittamus, quod Theodosius statuit imperator, et Carolus innovavit, de cuius genere rex ipse noscitur descendisse: "Quicumque videlicet litem habens, sive petitor fuerit sive reus, sive in initio litis vel decursis temporum curriculis, sive quum negotium peroratur, sive quum iam coeperit promi sententia, si iudicium elegerit sacrosanctæ sedis antistitis, illico sine aliqua dubitatione, etiamsi pars alia refragetur, ad episcoporum iudicium cum sermone litigantium dirigatur." Quum enim non humanæ constitutionis sed divinæ legis potius innitatur quia potestas nostra non est ex homine, sed ex Deo: nullus qui sit sanæ mentis, ignorat, quin ad officium nostrum spectat de quocumque mortali peccato corripere quemlibet Christianum, et si correctionem contempserit, ipsum per distractionem ecclesiasticam coercere. . . . Sed forsitan dicetur, quod aliter cum regibus et aliter cum aliis est agendum. Ceterum scriptum novimus in lege divina: "Ita magnum iudicabis ut parvum, nec erit apud te acceptio personarum," quam B. Jacobus intervenire testatur, "Si disceris ei qui indutus est veste præclara," etc. Licet autem hoc modo procedere valeamus super quolibet criminali peccato, ut peccatorem revocemus a vitio ad virtutem, ab errore ad veritatem, præcipue tamen quum contra pacem peccatur, "quæ est vinculum caritatis." . . . Porro quum secundum legitimas sanctiones quod quisque iuris in alterum statuit, alius eo uti valeat contra illum, et sapiens protestetur: "Patere legem, quam ipse tuleris," et rex ipse Francorum contra claræ memoriæ R. quondam Anglorum regem, qui, ut salva ipsius regis

Appendix K

pace loquamur, quia non ad confusionem eius, sed ad excusationem nostram hoc dicimus, non eo erat deterioris conditionis, in bello fuit officio et beneficio nostro usus, quomodo quod pro se adversus illum admisit contra se pro alio non admittet? Numquid apud nos debet esse pondus et pondus, mensura et mensura, quorum utrumque est abominabile apud Deum? Postremo quum inter reges ipsos reformata fuerint pacis fœdera, et utrinque præstito proprio iuramento firmata quæ tamen usque ad tempus prætaxatum servata non fuerint, numquid non poterimus de iuramenti religione cognoscere, quod ad iudicium ecclesiæ non est dubium pertinere, ut rupta pacis fœdera refoventur? Ne ergo tantam discordiam videamur sub dissimulatione favere, dissimulare religiosorum locorum excidium, et stragem negligere populi Christiani, dilecto filio abbati Casemarii prædicto legato dedimus in præceptis, ut nisi rex ipse vel solidam pacem cum prædicto rege reformet, vel treugas ineat competentes, vel saltem humiliter patiatur, ut idem abbas et venerabilis frater noster archiepiscopus Bituricensis de plano cognoscant, utrum iusta sit querimonia, quam contra eum proponit coram ecclesia rex Anglorum, vel eius exceptio sit legitima, quam contra eum per suas nobis literas duxit exprimendam, iuxta formam sibi datam a nobis procedere non omittat. Ideoque universitatibus vestris per apostolica scripta mandamus, et in virtute obedientiæ districte præcipimus quatenus postquam idem abbas super hoc mandatum fuerit apostolicum exsecutus, sententiam eius, imo nostram verius, recipiatis humiliter et vos ipsi servetis et faciatis ab aliis observari, securi, quod si secus egeritis inobedientiam vestram puniemus.

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The Sword of Justice

OR THE CHRISTIAN PHILOSOPHY OF
WAR COMPLETED IN THE IDEA OF A
LEAGUE OF NATIONS

BY

JOHN EYRE WINSTANLEY WALLIS, M.A.

WITH AN INTRODUCTION BY

ERNEST BARKER, M.A.

In this book the author asks whether Christians may ever avail themselves of force as citizens of a secular State. He works out the answer historically, tracing the development of thought from primitive to modern times in the writings of representative Christian philosophers. He shows also what the Church has done to restrain and mollify war in the past. He applies the salient doctrines of the Christian use of force to the idea of a League of Nations, and concludes by outlining a scheme of teaching applicable to the present and consistent with the past trend of Christian opinion. The Appendix contains many historical documents of great interest.

